



Health

Dave A. Chokshi, MD, MSc
Commissioner

NEW Mobile Food Vending Permit (DECAL/INSPECTION STICKER)

NEW YORK CITY LICENSING CENTER

42 Broadway, Lobby (near Wall St.) 90-27 Sutphin Blvd., 4th floor
New York, NY 10004 Jamaica (Queens), NY 11435

Phone: 311 for all licensing information

WWW.NYC.GOV/HEALTH

The Application Process

1. **Read this page completely** and “General Mobile Food Vending Information” on the back side of this page BEFORE you do anything to understand what a mobile food vending permit is, the types of mobile food vending permits, the limitations of applying for one, waiting lists, and what your options are.
2. Determine the documentation you need to submit an application. (See the summary requirements checklist which follows this page.) Incomplete applications and documentation will **not** be accepted.
3. Anyone who wishes to apply for a mobile food vending permit must already have a current Mobile Food Vending License issued by the NYC Department of Health and Mental Hygiene (or at least submit a renewal application for an expired license at the same time an application for the permit is submitted).
4. To apply for the permit, complete the Standard Application form for a New License or Permit, the Application Specific Information form and the other required forms which are included in this package. If you have **not** been called from any of the Green Cart Waiting Lists (which allows you to sell only whole, uncooked fresh fruits and vegetables, water or single ingredient nuts), and you intend to manufacture or sell frozen desserts, a separate Application for Permit form must also be completed. This separate permit is NOT for the pushcart or truck; it is for the frozen dessert machine. The annual fee for the “frozen dessert permit” is \$25.00.
5. Make an appointment by telephone (212-436-0441) or email (LicensingAppointments@dca.nyc.gov) to bring the completed forms and the other required documentation to the Licensing Center. **Applications must be submitted in person; none will be accepted by mail, on-line or as attachments to email.** The city now offers two locations where the public may go to obtain assistance with applying for or renewing most NYC Department of Health and Mental Hygiene permits or licenses. They are:

DCA Citywide Licensing Center	NYC Small Business Support Center
42 Broadway, Lobby (near Wall St.)	90-27 Sutphin Blvd, 4th floor
New York, New York 10004	Jamaica (Queens), New York 11435
6. Once your application for the Mobile Food Vending Permit is reviewed and accepted, you must pay for the permit. See the possible permit fees at the end of the summary checklist. If paying by check or money order, it must be made payable to the New York City Department of Health & Mental Hygiene. If paying by credit or debit card, there is an additional service fee (non-refundable) of 2%. There is no fee for a permit if you are an honorably discharged veteran of the United States Armed Services and present a New York State Peddler’s Certificate issued by the New York State county in which you reside or if you are the surviving spouse or domestic partner of a veteran with this certificate. You do not need to be a disabled veteran. Eligible individuals are entitled to only one fee-exempt license and one fee-exempt permit.
7. The Licensing Center will give you a receipt. **YOU MAY NOT OPERATE WITH THE RECEIPT** and must contact the Bureau of Food Safety and Community Sanitation by calling 347-834-5766 during regular business hours or by email at MFVInspections@health.nyc.gov to schedule an appointment to have your mobile food vending unit inspected. **New York City Administrative Code Section 17-307(b.2.d) requires that all mobile food vending units (pushcarts/trucks) pass an inspection by the NYC Department of Health and Mental Hygiene within six (6) months of the date an application is submitted. Failure to fulfill this requirement will result in the termination and permanent loss of your permit. There is no waiver of this requirement!!!**

The Mobile Food Vending Process

The New York City Department of Health & Mental Hygiene (DOHMH) issues both a mobile food vending operator's license, which is similar to the concept of a Department of Motor Vehicles driver's license, and a mobile food unit permit, which is similar to a motor vehicle registration. One is for the person and the other is for the cart or truck. **Both** of these items are needed for a person to legally operate a food vending business.

However, although anyone can apply for an operator's license at any time, the Department of Health & Mental Hygiene is limited by law in the total number of street vending permits which may be issued. As permit vacancies become available – when current permits are revoked or when current permittees do not renew timely or if they fail to meet their inspection requirement -- the department sends letters to those individuals on existing waiting lists that they may now apply. There are different lists: lists for veterans and non-veterans; lists for those operating citywide or in a specific borough; lists for those operating only April through October or those operating all year, and still other lists for those who wish to sell only uncut, uncooked fresh fruits and vegetables, water or single ingredient nuts in designated areas of the city. No one may apply for one of *these* permits unless they have been contacted from any of these department lists.

You cannot simply add your name to an existing list. You can only seek to apply for a waiting list position when a completely new list is going to be created, and the creation of a new list depends upon the turnover rate of the existing lists and how fast we go through them. For this reason, it is impossible to predict exactly when the next time the department will be creating new lists. However, the lists we have do not all finish at the same time. Some lists finish faster than others. Please call '311' or check the DOHMH website (www.nyc.gov/healthpermits, then enter "mobile food vending" in the 'SEARCH' box) for any available information about when any of our lists may re-open.

Please note that, as long as you have a currently valid mobile food vendor license, there are still options that are open to you, including:

- vending from a cart/truck as an employee of another person who the permit is issued to. Please note that it is illegal to rent or lease a DOHMH permit.
- applying for a "restricted area" mobile food vending permit, which does not require a waiting list. This type of permit allows mobile food vending on private property in a commercially zoned area or on property under the control of the New York City Department of Parks & Recreation and is exempt from the legal limits which apply to public street vending. For more information about vending in a New York City park please call their Revenue Division at (212) 360-1397. Information is also available online at: <https://www.nycgovparks.org/opportunities/concessions>. More information about the DOHMH "restricted area" permit is provided in the summary requirements checklist section which follows.
- applying for an annual permit to operate a "temporary food service establishment" at various city street fairs. These are even more restrictive than the "restricted area" permits mentioned above since they limit a person to a specific location assigned by the sponsor of the individual street fair on the specific day and time of the event. Please note that a mobile food vending license is not needed with this type of permit, but you will need to have taken and passed the Food Protection Course. You can find more information about these "temporary food service establishment" permits, at <https://www1.nyc.gov/nycbusiness/description/temporary-food-service-establishment-permit>.
- Finally, under Article Four of the New York State General Business Law, disabled veterans of the United States armed forces with a current "specialized" general vendor's license issued by the NYC Department of Consumer and Worker Protection may apply for one mobile food vending permit without having to be on a department waiting list. The requirements to apply for this permit are inside this package. Please note that the disabled veteran must be present during the operation of the permitted pushcart and that pushcarts – no trucks allowed – with these permits are limited to operating on the sidewalk around the outside of a park in New York City and not less than 30 feet from any park entrance.

Please call '311' for further information.



Summary Checklist for a New Mobile Food Vending Permit (PLEASE SEE BOTH SIDES OF THIS PAGE)

<p align="center">Items Needed</p> <p><i>Be sure the applicant's name is the same on all documents. You Must Provide an Email Address for Us to Contact You. Incomplete Applications/Altered Documents Will Not Be Processed. * All Department forms will be provided in your application packet.</i></p>	Legal Business Structure		
	Individual	Partnership	Corporation or LLC
<p>Permit Application*</p> <ul style="list-style-type: none"> Complete all applicable sections of General Application form & Permit-specific Supplemental Form(s) Must be signed and dated only by applicant (example: owner, officer, director, member, shareholder) 	✓	✓	✓
<p>Permit Fee - See the fee table at the end of this checklist to determine your fee, if any.</p> <ul style="list-style-type: none"> Payable by credit or debit card or money order or check made out to "DOHMH" Add 2% (non-refundable) service fee if paying by credit or debit card. No fee for honorably discharged U.S. Veterans (with a New York State Peddler's Certificate) or the surviving spouse or domestic partner of such U.S. veteran. 	✓	✓	✓
<p>Proof of Home/Business Address (Any current license listing your address - with or without a photo - or correspondence sent to you by a Federal, State, or City agency of the U.S. within the last 90 days are acceptable, including any of the following):</p> <ul style="list-style-type: none"> Valid U.S. driver's license or non-driver ID Utility, cable TV or phone bill, bank or credit card statement dated within the last 90 days Department "Affidavit of Home Address" form, completed by a person living with the applicant and one of the above in that person's name* Current lease or mortgage statement 	✓ (home address of individual)	✓ (business address of the partnership)	✓ (business address of the corporation/LLC)
<p>Photo Identification (Any current photo-ID issued by a Federal, State, or City agency of the U.S., including any of the following) Must be original - no photocopies.</p> <ul style="list-style-type: none"> U.S. Driver's license or non-driver's ID Alien Registration Card or Naturalization Certificate IDNYC: New York City Municipal ID card. (http://nyc.gov/idnyc) <p><i>Note:</i> Photo ID will not be accepted (even if current) if the photo does not look like the applicant. <i>Note:</i> No other photo-ID issued by a foreign government agency is acceptable.</p>	✓	✓ (of the partner called from the waiting list)	✓ (of the officer/member called from the waiting list)
<p>Social Security Card or Individual Tax Identification Number Card (or letter)</p> <p><i>Must be original card/letter. Card must not be laminated. Note: it can take 2 weeks to obtain these cards. You may obtain a replacement card at your local Social Security office (call 1-800-772-1213 for more information).</i></p>	✓	✓ (of the partner called from the waiting list)	✓ (of the officer/member called from the waiting list)
<p>Mobile Food Vendor License Identification - Current or being renewed at the same time.</p> <p><i>Note:</i> One member of the partnership, corporation or LLC must have a license. <i>Note:</i> Those vendors applying for a DOHMH MFV Permit issued to Disabled Veterans with a Specialized Disabled Veterans General Vendors License issued by the NYC Department of Consumer Affairs must also present both their Specialized General Vendors License and their current General Vendors License.</p>	✓	✓ (of the partner called from the waiting list)	✓ (of the officer/member called from the waiting list)
<p>Proof of New York State Certificate of Sales Tax Authority</p> <ul style="list-style-type: none"> Valid New York State Certificate of Sales Tax Authority Card or Sales Tax Clearance Letter issued within 90 days. Obtain a Sales Tax Certificate Number (card) for the first time at https://www.tax.ny.gov/bus/ads/webdtf17.htm or request a replacement card by calling (518) 485-2889. Takes about three (3) weeks. 	✓	✓	✓
<p>Office of Administrative Trials and Hearings Invoice Search Request Response (to determine if you owe fines for violations issued to you)*</p> <ul style="list-style-type: none"> You must complete the enclosed Invoice Search Request Form, providing the requested information/documentation and email your request to vendorinquiry@oath.nyc.gov The Department of Health/Department of Consumer and Worker Protection will only accept an Invoice Request Response form sent to you which has a zero balance. Any Invoice Request Response form returned to you with a list of outstanding fines must be paid in full and you must then still get an Invoice Request Response form which shows you have a zero balance before we will accept and process your renewal application. You can also reach their customer service unit at 1-844-OATH-NYC. <p><i>It may take up to four (4) weeks if you need to get this resolved.</i></p>	✓	✓	✓
<p>Operator List: Name and address of people who will operate your cart/truck*</p> <ul style="list-style-type: none"> You must list each person who will operate your vending unit on this Department form with his/her MFV license #, full name, address and relationship to you (e.g. employee). List only your name if no one else will operate your vending unit. You must provide an updated list to the Mobile Food Vending Inspection Program if anything changes. 	✓	✓ (signed by the partner called from the waiting list)	✓ (signed by the officer/member called from the waiting list)
<p>Eligibility Affidavit *</p> <ul style="list-style-type: none"> Complete this Department form stating you do not have any other "public place" mobile food vending permits for which there are limits and/or waiting lists. Any false, misleading, or untrue statements may be grounds for suspension and/or revocation of your permit. 	✓	✓ (same)	✓ (same)
<p>Workers' Compensation & Disability Insurance Coverage/Exemption Registration</p> <ul style="list-style-type: none"> Submit both proofs of insurance coverage effective when the business begins operation, including insurer's name, policy number, and expiration date. List the Department of Health & Mental Hygiene as the certificate holder (not the policy holder) If such coverage is NOT required, submit a Certificate of Attestation of Exemption (Form CE-200) registered with the NYS Workers' Compensation Board showing the applicant's Registration Number and the date registered. Obtain more information and this form online at: http://www.wcb.ny.gov/content/ebiz/wc_db_exemptions/requestExemptionOverview.jsp 	✓	✓	✓

Summary Checklist for a New Mobile Food Vending Permit (CONTINUED)

Items Needed <i>Be sure the applicant's name is the same on all documents. You Must Provide an Email Address for Us to Contact You. Incomplete Applications/Altered Documents Will Not Be Processed. * All Department forms will be provided in your application packet.</i>	Legal Business Structure		
	Individual	Partnership	Corporation or LLC
Business Documents <ul style="list-style-type: none"> Business Certificate (for a business owned by individual with a "doing business as" or "trade" name), or Partnership Certificate (for partnerships or LLP's), or Certificate of Incorporation or corporate filing receipt (for corporations or LLC's) 	✓	✓	✓
Proof of Qualification as Disabled and/or a U.S. Veteran (if applicable) <ul style="list-style-type: none"> If you are applying for a permit after being contacted from a waiting list reserved for a person who is disabled and/or a U.S. veteran, you will have to provide proof you qualify, as described in the detailed instructions in this package. If this permit is going to be under a partnership, corporate, or LLC name, then the partner, officer or member called from the waiting list and presenting this proof must be a major partner or shareholder of the organization and must provide a letter stating this. 	✓	✓ (of the partner called from the waiting list)	✓ (of the officer/member called from the waiting list)
Restricted Area Permit (if applicable) <ul style="list-style-type: none"> You must have an approved and signed contract, lease or letter of authorization for vending food on Department of Parks and Recreation property or outdoors on private property in a commercially-zoned area. The valid contract, lease or letter of authorization must be signed by a representative of the Parks Department <u>or</u> the owner/building manager of the private property or building where the unit will operate. Generally, the curb or sidewalk in front of someone's private property is considered "public space" and is <u>not</u> eligible for this type of permit. The valid contract, lease or letter of authorization must specify: <ol style="list-style-type: none"> (1) the restricted location, (2) the number of mobile food units allowed to operate there, (3) the type of food sold, (4) the operating terms of agreement (start and end dates), and (5) the floors of operation (for indoor operation use only) <u>or</u> proof the property is zoned for commercial use (for outdoor operation on private property only). Examples of such zoning proof include the certificate of occupancy for this property or other official document from the Department of Buildings. A copy of the city's Land Use and Zoning Map showing the desired location is clearly in an area marked for commercial use is also acceptable. <p><u>Note:</u> Please be advised that you will be required to pay for a two-year period (see fee table below) for any "Restricted Area Permit". However, the permit you receive may be <u>less than two years</u> if the expiration date of your contract or lease is less than two years from your application date. If so, you may request a re-inspection (at no charge) for the remainder of the unused portion of the two-year period you paid for <u>if</u> you obtain and present to the Licensing Center an approved extension to your current contract or lease for the same location.</p>	✓	✓	✓
Power of Attorney or Authority to Act Affidavit (if applicable) * <ul style="list-style-type: none"> This form must be completed if someone else will submit the application for you. The person <u>may not sign</u> your application form or any other form for you. He/she can only <u>submit</u> the application for you. 	✓	✓	✓
Inspection Requirement <ul style="list-style-type: none"> After submitting your application and getting a receipt, please wait two weeks before contacting the Bureau of Food Safety and Community Sanitation at (347) 834-5766 or by email to MFVInspections@health.nyc.gov to schedule an appointment to have your mobile food vending unit inspected. NYC Administrative Code Section 17-307(b.2.d) requires that all mobile food vending units (pushcarts, trucks) pass an inspection by the NYC Department of Health and Mental Hygiene <u>within six (6) months</u> of the date an application is submitted and a receipt is issued. <u>Failure to fulfill this requirement will result in the voiding of your permit application.</u> There is no waiver of this requirement!!! 			

Permit Category	"Processing" food Renewal Fee	"Non-processing" food Renewal Fee
Seasonal (Apr. 1 – Oct. 31)	\$ 35.00	\$15.00
Full-term (2 year)	\$200.00	\$75.00
Full-term (2 year) GREEN CART		\$75.00
U. S. Veteran or surviving spouse*	-0-	-0-

***must present proof to qualify for fee-exempt permit.**

Revision 9/1/2021

IMPORTANT NOTICE

THE FOLLOWING IS AN ADDITIONAL REQUIREMENT ONLY FOR THOSE INDIVIDUALS APPLYING FOR A FULL-TERM GREEN CART MOBILE FOOD VENDING PERMIT WITH “PRIORITY” AS A “DISABLED U.S. VETERAN”

- Full-term Citywide Disabled U.S. Veteran - you must present a valid mobile food vending license (ID Badge) issued by the NYC Department of Health (or renew an expired license) at the time you apply for this permit.
- You must also be honorably discharged U.S. veteran who is certified by the United States Department of Veterans Affairs as having a service-related disability. You will be asked to present documentation supporting your claim that you qualify as a “disabled U.S. veteran” when you submit your application for this permit.
- The only form acceptable documentation for this requirement will be: an **original** letter (no photocopies) issued by the United States Department of Veterans Affairs (on their letterhead) acknowledging that you have a service-related disability. Without this letter, we will not be able to accept your application.

THE FOLLOWING IS AN ADDITIONAL REQUIREMENT ONLY FOR THOSE INDIVIDUALS APPLYING FOR A FULL-TERM GREEN CART MOBILE FOOD VENDING PERMIT WITH “PRIORITY” AS A “DISABLED PERSON” (NON-VETERAN)

- Full-Term Citywide Disabled Person (non- U.S. veteran) - you must present a valid mobile vending license (ID Badge) issued by the NYC Department of Health (or renew an expired license) at the time you apply for this permit.
- You must also have a physical or mental impairment substantially limiting one or more major life activities with a record of such impairment. Such “physical” impairment may include a physiological disorder or condition, or anatomical loss affecting one or more of the following bodily systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, genitourinary, hemic and lymphatic, or skin and endocrine. Examples of such include, but are not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, muscular dystrophy, and multiple sclerosis. Such “mental” impairments mean any mental or physiological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- “Major life activities” means functions such as walking, seeing, hearing, and speaking.
- You will be asked to present documentation supporting your claim that you qualify as a “disabled person” when you submit your application for this permit.

(Continued on other side)

- A “record of such impairment” shall be established by submitting one of the following forms of acceptable documentation:
 - (a) An **original** letter or certificate (no photocopies) which clearly describes the physical or mental impairment of the applicant, and which includes the notarized signature of one of the following:
 - (1) A licensed physician, Ophthalmologist, optometrist or psychologist; or
 - (2) An authorized representative of a social agency that conducts programs for the disabled in cooperation with an official agency of the state from which the applicant is receiving services such as, but not limited to, the state office of vocational rehabilitation; or
 - (b) A previous certification (**original**, no photocopies) not more than one year old establishing the physical or mental impairment of the applicant such as, but not limited to, verification of an income tax exemption or social security benefits on the basis of physical or mental impairment.
- Without this letter or certification we will not be able to accept your application. Please be advised that minor ailments which clearly would not substantially limit one or more major life activities will not be acceptable as evidence of a record of such impairment.

THE FOLLOWING IS AN ADDITIONAL REQUIREMENT ONLY FOR THOSE INDIVIDUALS APPLYING FOR A FULL-TERM GREEN CART MOBILE FOOD VENDING PERMIT WITH “PRIORITY” AS A “NON-DISABLED U.S. VETERAN”

- Full-Term Citywide Non-Disabled U.S. Veteran - you must present a valid mobile vending license (ID Badge) issued by the NYC Department of Health (or renew an expired license) at the time you apply for this permit.
- You must also be an honorably discharged U.S. veteran and provide proof of this in the form of one of the following: an **original** statement of service, an **original** DD-214 or a Type #4 copy of the original DD-214. These must be issued by the United States Department of Veterans Affairs. The VA’s regional office is located at 245 West Houston Street, New York, NY 10014, or you may call them at (800) 827-1000.
- You will be asked to present this documentation supporting your claim that you qualify as a “non-disabled U.S. veteran” when you submit your application for this permit. Without this documentation we will not be able to accept your application.



**NEW YORK CITY DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

Attention Vendors
IMPORTANT NOTICE

KNOW THE LAW

**THE NOISE CODE FOR THE CITY OF NEW YORK,
(ADMINISTRATIVE CODE TITLE 24) PROHIBITS THE
PLAYING OF ANY SOUND SIGNAL DEVICE WHEN THE
VEHICLE IS**

“STOPPED, STANDING OR PARKED “

**THIS APPLIES TO ALL VEHICLES THAT DISPENSE
FOOD, ICE CREAM OR OTHER ITEMS.**

Failure to adhere to this regulation, Section 237, may result in the issuance of a violation with penalties of up to \$1000. The licensee may be held responsible for all penalties incurred.

Additionally, DEP suggests that vehicle operators decrease the volume of the sound signal device so that it is audible to only those within a 100 foot radius.

Please be advised that both the NYC DEP and the NYPD are increasing their enforcement of this regulation.

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Instructions for Completing a Permit Application Form

Complete all sections of the application. If completing it by hand, please use ink and print in capital letters.

*Any form with alterations, corrections, whiteout, etc., will not be accepted.
The name of the applicant must be the same on all supporting documentation submitted.*

1. License or Permit Name

- Enter the name of the permit or license you want to obtain. Example: Pet Shop –Sells Dogs or Cats

2. Section A

- Enter the individual owner's name, or all partners' names or corporation name in the box labeled "Name of Corporation, partnership or individual owner" (the permit will be issued to the corporation, partnership or person named here)
- Enter the name of the establishment in the space labeled "Trade Name/DBA"
- Provide the address where the establishment will be located. Please include in the space labeled "Premises Location" the floor, booth number, or store number where the establishment is to be located.
- Enter the establishment's telephone and the email address (required). All correspondence sent by email will be sent to this address.
- Provide your date of birth, if applying as an individual

3. Section B

- Enter the date you expect to start operating.

4. Section C

- Enter your New York State Tax Authority ID #. Not-for-Profit applicants should enter their Federal EIN . If applying as an individual, also enter your SSN. If you do not have a Social Security number, you may use an Individual Tax Identification Number (ITIN)

5. Section D

- Enter the mailing address if it is different from where the establishment is going to be located. All correspondence sent by mail will be sent to this address.

6. Section E

- Enter the name, home address, zip code, phone number, email address and title of the owner/all partners in the business/all principal officers in the corporation

7. Section F

- All applicants must complete the Workers' Compensation and Disability Insurance information requested and provide copies of proof of current insurance or form CE-200 stamped by the Worker's Compensation Board, indicating the Board received a sworn affidavit stating that such coverage is not required. An application for a permit will not be accepted without this information and proof. Information about this is available at www.wcb.ny.gov.

8. Signature

- Sign the application.
 - *Note: the person who signs the Application must be named in Section E.*
- Enter the title and telephone number of the person who signed the Application for Permit
- Indicate whether the applicant is 18 years of age or older.
 - *Note: applicants must be older than 18 years of age.*

New York City Health Code, Section 3.19 states:

No person shall make a false, untrue or misleading statement or forge the signature of another on a certificate, application, registration, report, or other document required to be prepared pursuant to this Code. No person shall make a false, untrue or misleading oral statement to the Department as to any matter investigated by the Department.

Fulfilling requirements of other New York City agencies

Applying for a New York City Department of Health and Mental Hygiene permit does not satisfy the regulatory requirements of other city and state agencies. It is your responsibility to apply for all other permits, licenses, and authorizations as required by other city and state agencies. The issuance of a New York City Department of Health and Mental Hygiene permit does not grant permission to use or occupy the permitted premises. Pursuant to New York City Charter Section 645, no premises may be used or occupied until a certificate of occupancy has been issued by the New York City Commissioner of Buildings.

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STANDARD APPLICATION FOR NEW LICENSE OR PERMIT



APPLICATION DATE		
MONTH	DAY	YEAR

FOR OFFICE USE						
CAMIS/RECORD NUMBER			LICENSE/PERMIT			
			TYPE		FEE CLASS/ SUBCLASS	
EXPIRATION DATE			FEE AMOUNT	DOLLARS		CENTS
MO	DAY	YEAR				

NAME OF LICENSE/PERMIT (For detailed instructions and information about what is required to apply for this permit, please go to www.nyc.gov/healthpermits)

IMPORTANT: Please type or print legibly in ink using capital letters. Allow spaces between completed words or numbers. Standard abbreviations are permitted. All section must be completed in ink.

SECTION A – NAME, ADDRESS AND CONTACT INFORMATION OF ENTITY TO WHICH LICENSE/PERMIT IS TO BE ISSUED					
READ CAREFULLY: Enter the corporate name and location of business establishment. If not incorporated, enter your name(s) and location of business establishment.					
NAME OF CORPORATION, PARTNERSHIP, PARTNERS OR INDIVIDUAL OWNER (Last Name First)			TELEPHONE NUMBER		
			(AREA CODE)		
TRADE NAME/Doing Business As (DBA)			FAX NUMBER		
			(AREA CODE)		
BUILDING NUMBER	STREET		PREMISES LOCATION (FLOOR, STORE #, BOOTH #)		
CITY OR TOWN		STATE	ZIP CODE		E-MAIL ADDRESS (REQUIRED)
DATE OF BIRTH (If applying as an individual)		MONTH	DAY	YEAR	OPTIONAL
					GENDER: <input type="checkbox"/> Male <input type="checkbox"/> Female
Language Preference for Inspections: If the permit you are applying for requires an inspection by the Department of Health and Mental Hygiene, do you prefer that this inspection be conducted in, or translated to, a language other than English? ___ No ___ Yes If "yes" that language is _____.					
<input type="checkbox"/> I agree to receive all official notices from the Department of Health only by email at the email address provided in this application form. An official notice is any correspondence from the Department of Health that requires a response by a date certain. These include, but are not limited to, permit or license renewal notices; notices of fines or fees owed; collection letters and Dunning Notices, and Notices of Violations.					
<input type="checkbox"/> I would like to receive Department of Health publications, including information about new regulations, newsletters, fact sheets and other educational material, only by email at the email address provided in this application form.					

SECTION B – DATE EXPECTED TO OPEN/START OPERATING			SECTION C – NYS SALES TAX ID#			SOCIAL SECURITY NUMBER (If applying as an individual)			ITIN NUMBER (If no SSN and applying as an individual)		
MONTH	DAY	YEAR									

SECTION D – MAILING ADDRESS, IF DIFFERENT FROM PERMITTED/LICENSED ESTABLISHMENT’S ADDRESS (INCLUDE APARTMENT #, PO BOX #)					
STREET ADDRESS					
CITY OR TOWN				STATE	ZIP CODE

SECTION E – LIST NAMES (LAST, FIRST) OF OWNER – PARTNER – CORPORATE OFFICERS

1	NAME		PHONE NUMBER	E-MAIL ADDRESS	TITLE
	ADDRESS	STREET	CITY	STATE	ZIP CODE
2	NAME		PHONE NUMBER	E-MAIL ADDRESS	TITLE
	ADDRESS	STREET	CITY	STATE	ZIP CODE
3	NAME		PHONE NUMBER	E-MAIL ADDRESS	TITLE
	ADDRESS	STREET	CITY	STATE	ZIP CODE
4	NAME		PHONE NUMBER	E-MAIL ADDRESS	TITLE
	ADDRESS	STREET	CITY	STATE	ZIP CODE

SECTION F

ALL APPLICANTS (EXCEPT THOSE APPLICANTS FOR A MOBILE FOOD VENDING LICENSE, TATTOO LICENCE OR A HORSE LICENSE) MUST COMPLETE THIS SECTION REQUESTING WORKERS' COMPENSATION AND DISABILITY BENEFITS INSURANCE INFORMATION AND PROVIDE COPIES OF PROOF OF CURRENT INSURANCE IF IT IS REQUIRED.

YOUR APPLICATION FOR A PERMIT WILL NOT BE ACCEPTED IF YOU DO NOT COMPLETE THIS SECTION AND PROVIDE THIS INFORMATION AND PROOF IF YOU ARE REQUIRED TO HAVE THIS INSURANCE.

Please check the appropriate box:

The business described in this application has Workers' Compensation and Disability Benefits Insurance as identified below:

Workers' Compensation Insurance Carrier: _____ Policy #: _____ Expiration Date: _____

Disability Benefits Insurance Carrier: _____ Policy #: _____ Expiration Date: _____

OR

Form CE-200 was submitted to the Worker's Compensation Board stating such coverage is not required for this business and a copy with the New York State-assigned Exemption Certificate Number is attached.

Certificate Number: _____ Issuance Date: _____

Form CE-200 attesting to an exemption of this requirement can be found at <http://www.wcb.ny.gov>

Legal reasons for an applicant to qualify for this exemption are listed on Form CE-200. Please review Form CE-200 to see if your business qualifies for this exemption and is not required to obtain Workers' Compensation and Disability Benefits Insurance.

By signing this application for a permit, I agree that I will comply with provisions of the Health Code and other laws that apply to the permitted activity, and that all the statements made in this application are true and complete. Making a false statement is an offense punishable by fines, imprisonment or both. (NYC Administrative Code § 10-154.)	TITLE	ARE YOU 18 YEARS OF AGE OR OVER? <input type="checkbox"/> YES <input type="checkbox"/> NO
	SIGNATURE OF BUSINESS OWNER, PARTNER, OR CORPORATE OFFICER SIGN HERE ➤	

ARE YOU REGISTERED TO VOTE?

If not, you may request a Voter Registration form when you submit your application, or you can access www.nycceb.info/register tovot e online.



APPLICATION SPECIFIC INFORMATION FOR A MOBILE FOOD VENDING PERMIT

(ALL QUESTIONS MUST BE ANSWERED)

Name of Applicant _____

Table with columns: Application Date, Month, Day, Year

Provide your Mobile Food Vendor License CAMIS/Accela # _____

Will you be serving Frozen Dessert's? [] YES [] NO

If "Yes" enter your 'Manufacturer of Frozen Dessert's, Accela/CAMIS# _____

What is the Mobile Food Vending Unit Type? (Cart, Trailer, Truck/Vehicle, Stand) _____

Name of Onsite contact _____

Email of Onsite contact _____ Phone # _____

Cuisine Type (Circle One) If "Other", please describe _____

- List of cuisine types including Afghan, African, American, etc.

Email Affirmation – All Official Notices

[] Yes [] No I agree to receive all official notices from the Department of Health and Mental Hygiene only by email at the address I have provided in this application form.

Email Affirmation - Health Publications

[] Yes [] No I would like to receive Department of Health and Mental Hygiene publications, including information about new regulations, newsletters, fact sheets and other educational material only by email at the address I have provided in this application form.

Language Preference

[] Yes [] No I would prefer that business inspections be conducted in a language other than English. If "yes", please circle one: Arabic Bengali Cantonese French Italian Hebrew Hindi Japanese Korean Mandarin Polish Russian Spanish Urdu Vietnamese Other _____

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New York City Licensing Center

42 Broadway, Lobby (near Wall St.) 90-27 Sutphin Blvd, 4th floor
New York, New York 10004 Jamaica (Queens), NY 11435

Phone: 311 for all licensing information

WWW.NYC.GOV/HEALTH

Affidavit of Home Address

This form is to be completed only by the person with whom you (the applicant) live. It should also be signed by you where indicated. You must bring this form *with* a recent utility bill or lease in the name of that individual.

(Please type or print legibly)

TO: New York City Licensing Center

(Enter name of the person with whom the applicant lives - must be the same as on the utility bill or lease)

residing at _____
(Street Address, Borough, State and Zip code)

states that:

(Enter name of the person applying for permit/license)

is my _____ and lives with me at the above address.

(Relationship to applicant, e.g., wife, husband, sister, brother, mother, father, son, daughter, aunt, uncle, cousin, friend)

SIGNATURE
(Note: This name must match the name on the accompanying utility bill or lease.)

PRINT NAME
(Note: This name must match the name on the accompanying utility bill or lease)

I _____ attest to the truth of the above information.
Print name of license/permit applicant

SIGNATURE OF APPLICANT

* Please note that submitting false or misleading information is a violation of Section 3.19 of the New York City Health Code and may be prosecuted civilly or criminally as a misdemeanor. It may also result in the revocation of any license or permit issued.

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New York City Licensing Center

42 Broadway, Lobby (near Wall St.)
New York, NY 10004

90-27 Sutphin Blvd., 4th floor
Jamaica (Queens), NY 11435

Phone: 311 for all licensing information

WWW.NYC.GOV/HEALTH

Uniform Granting Authority to Act Affirmation

_____ affirms the truth of the following:
(License/Permit Applicant Name)

1. I am the _____ of _____
(State relationship to business) (Name of business as it appears on the Certificate of Partnership and/or Business)

which is located at _____ and
(Street Address, Borough, State, and Zip Code)

whose telephone number and email address are _____ and _____
(Area code & Number) (Email address)

2. I hereby authorize _____ of _____
(Full name of designated representative) (Full name of representative's business)

who maintains an office/resides at _____
(Street Address, Borough, State, and Zip Code)

and whose telephone number and email address are _____ and _____
(Area code & Number)

_____ to represent me before the license, permit, or certificate issuing
(Email address)

Agency in regard to the preparation and submission of my application for a license/permit

_____.
(License/Permit/Certificate Category)

3. I understand that I will be legally bound by the representations made in said applications and will be held responsible by the license, permit, or certificate issuing Agency for any inaccuracies or misrepresentations.

4. I understand that I may revoke/withdraw the Authority to Act being submitted in connection with this application for a license, permit, or certificate in person by appearing at the Citywide Licensing Center prior to the date of the submission of the permit (license) application and informing the Director of the Citywide Licensing Center of this decision (The office of the Citywide Licensing Center is located at 42 Broadway, New York, NY 10004). I also understand that in the alternative I may notify the Citywide Licensing Center in writing of the revocation/withdrawal of this authority to act on my behalf.

SIGNATURE OF APPLICANT

PRINT NAME OF APPLICANT

Date: _____

Rev: 9/1/2016

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OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

66 John Street
10th Floor
New York, NY 10038
1-844-OATH-NYC

Food Vendor Request For Invoice Form

Date: _____

Requestor Information:

Name: _____

Mailing address: _____

Telephone Number: _____

You must come to OATH in person with identification to pick up your invoice at 66 John St., 10th Fl.

An Invoice will be issued to you to notify you of any outstanding fines to be paid.

To process your request for an Invoice you must provide the following information:

Previous addresses during the past 10 years:

Table with 2 columns: Address, Dates living at address (Month & Year). Includes rows for From and To dates.

Social Security number: _____ Date of Birth: _____ Place of Birth: _____

Is this the first time you are applying for a Mobile Food Vendor's License? [] Yes [] No

You must provide a valid picture ID and a copy of the front and back of your Social Security card.

If you are seeking to renew your:

A. [] Food Vendor's License with the Department of Consumer Affairs, please provide a copy of the front and back of your current Food Vendor License and the following information:

Current License number: _____ Current Permit number: _____

B. [] Cart Permit with Department of Consumer Affairs, please provide a valid picture ID, a copy of the front and back of your Social Security card, a copy of your current permit and your

Current Decal number: _____

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AUTHORIZED VENDOR LIST FOR MOBILE FOOD VENDING UNIT PERMIT HOLDERS

As a Mobile Food Vending Permittee you are required by the New York City Department of Health and Mental Hygiene as part of your permit application or permit renewal to submit and update, as necessary, a list of all vendors who you authorize to vend from your mobile food vending unit. Please read and complete the following. Each vendor must have a current, valid Mobile Food Vending License.

Pursuant to RCNY§ 6-11(f), I, (**PRINT NAME HERE →**) _____, Record ID# _____, applicant/permit holder for a NYC Department of Health & Mental Hygiene Mobile Food Vending Unit Permit, being duly sworn, depose and state that the individual(s) listed on this form besides myself may operate my Mobile Food Vending unit.

Pursuant to New York City Health Code §89.13(h) I understand that it is my obligation to notify the Department within ten (10) days of any changes in this information and must submit an updated list to include the most recent vendors who may operate my unit during the course of the permit operating period.

Pursuant to New York City Health Code §3.19 I understand that providing false or misleading information on this form may result in denial of my permit application or revocation of my permit.

INSTRUCTIONS FOR CHANGES TO AUTHORIZED VENDOR LIST INFORMATION:

If any of the information on the Authorized Vendor List(s) previously provided to the Department changes you must notify the Department within ten (10) days of said change by:

1. Resubmitting an updated Authorized Vendor List(s)
2. Delivering the updated Authorized Vendor Lists as follows:

By Mail:	NYC Department of Health and Mental Hygiene Bureau of Food Safety and Community Sanitation Mobile Food Vending Inspection Program 125 Worth Street, Room 1020, CN 59A New York, New York 10013
In Person: To the mailing address above during the following times:	Office Hours: Monday – Thursday 9:00am – 4:00pm Friday 9:00am – 2:00pm Note: You may also submit in person during your pre-permit inspection at the Department’s Mobile Vending Inspection Facility in Maspeth, Queens.
By Fax to:	Mobile Vending Inspection Program at (347) 396-8050
By E-mail to:	MFVInspections@health.nyc.gov

By Telephone is NOT legal notification to the Department of any changes to the Authorized Vendor List.

You may call the Mobile Vending Inspection Program at (646) 632-6203 for information on how to submit and indicate that an updated Authorized Vendor List will be submitted. A note will be made to your file pending receipt of the original form. **This does not constitute legal notification.**

**AUTHORIZED VENDOR LIST
FOR MOBILE FOOD VENDING UNIT PERMIT HOLDERS**

Will the permittee be the only vendor operating the Mobile Food Vending unit? **YES** **NO**
(circle one)

If “NO”, provide each additional vendor’s information in the sections below.

1. Authorized Mobile Vendor Name				Vendor License CAMIS/Record #	
Building Number	Street	Apt #	City	State	Zip Code
Legal Relationship of Employment:					

2. Authorized Mobile Vendor Name				Vendor License CAMIS/Record #	
Building Number	Street	Apt #	City	State	Zip Code
Legal Relationship of Employment:					

3. Authorized Mobile Vendor Name				Vendor License CAMIS/Record #	
Building Number	Street	Apt #	City	State	Zip Code
Legal Relationship of Employment:					

4. Authorized Mobile Vendor Name				Vendor License CAMIS/Record #	
Building Number	Street	Apt #	City	State	Zip Code
Legal Relationship of Employment:					

5. Authorized Mobile Vendor Name				Vendor License CAMIS/Record #	
Building Number	Street	Apt #	City	State	Zip Code
Legal Relationship of Employment:					

(Use additional pages if necessary)

By signing and printing my name below I declare, under the penalties of the New York Penal Law § 210.45, that statements contained herein are, to the best of my knowledge and belief, true and correct, and that I have not knowingly and willfully made a false statement or given information which I know to be false.

Print Applicant Name _____ **Date** _____

Applicant Signature _____

MOBILE FOOD UNIT PERMIT ELIGIBILITY AFFIDAVIT

Natural Person Application for a Department of Health & Mental Hygiene-issued Mobile Food Unit Permit (Full-term Citywide Permit, Temporary Citywide Permit, Full-term Borough-Specific Permit, Full-term Citywide Permit for Disabled Veterans or Disabled Persons or Full-term Borough-Specific Green Cart Permit)

As part of my application as a natural person/individual for a mobile food unit permit issued by the New York City Department of Health & Mental Hygiene, I attest to the truth of the information that I am providing below. I understand that this information is required by the Department for purposes of determining my eligibility to obtain the permit for which I am now applying. This information will determine whether I am eligible to be issued a mobile food unit permit.

Please check the appropriate responses to the statements below, whichever are applicable, and furnish the additional identifying information requested, if applicable.

CHECK ONE:

1. I do _____ I do not _____ have an “unemancipated child”, who holds a mobile food unit permit issued by the Department of Health & Mental Hygiene. An “unemancipated child” is any “son, daughter, step-son or step-daughter who is under the age of eighteen, unmarried and living in the same household.

2. I am _____ I am not _____ a partner, officer, shareholder, director, member, manager, officer in an entity (i.e., partnership, corporation, limited liability company), holding a mobile food unit permit issued by the Department of Health & Mental Hygiene.

3. I have _____ I do not have _____ any other interest, direct or indirect, in a Department of Health & Mental Hygiene mobile food Unit permit including, but not limited to, the interests specified above.

IF YOU ANSWERED IN THE AFFIRMATIVE TO ANY OF THE QUESTIONS ASKED ABOVE, PLEASE FURNISH THE INFORMATION REQUESTED BELOW AS IT APPLIES TO YOU.

<u>Name of Unemancipated Child or Entity</u>	<u>Entity Code</u>	<u>Social Security # Tax, EIN #</u>	<u>DOHMH Mobile Food Unit Permit #</u>

(over please)

I also attest that the permit I am renewing was not sold, lent, leased, or in any manner transferred in violation of NYC Health Code Section 89.17 since the permit was last issued, except in accordance with applicable law.

I understand that, pursuant to Section 17-317 of the New York City Administrative Code, a false, misleading or untrue statement made above or in the remainder of my application for a mobile food unit permit may result in the suspension or revocation of any permit issued, and may be punishable by up to four years in prison.

Applicant's Signature

Applicant's Name (Print)

Date

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New Regulations for Mobile Food Vendors What You Need to Know

Permit Holder's Inspections and Violations

Permit Holders Must Appear in Person for Permit Inspections

Permit holders must now appear in person when the cart or truck is inspected before a permit can be issued. Permit holders cannot send a representative.

Violations

Permit holders are responsible for their vending unit, no matter who is vending. Tickets for mobile food vending violations may be issued either to the permit holder or the vendor, or both.

Beginning summer 2013, all tickets for mobile food vending violations will be issued to the permit holder, who will be required to pay any fines. Permits cannot be renewed if fines are unpaid.

Permit Classifications and Equipment Requirements

Permit Classifications

There are five permit classifications for vending units. The classifications are based on how food is prepared and served. Class A and B are processing units where foods are cooked, sliced, or mixed. Class C, D and E are non-processing units.

Equipment Requirements Clarified

The new regulations simplify equipment requirements depending on type of food sold and how it is prepared. For example, a vending unit where meat is cooked must have a sink used only for washing hands while a unit selling only prepackaged food does not.

For more information, visit nyc.gov/health/mobilefood.

Pushcart Size

Maximum Size

Pushcarts cannot be larger than five feet wide and ten feet long (5' X 10'). This includes all cart attachments and overhangs. There is no size restriction for food trucks, but truck size can be limited by motor vehicle and traffic laws.

Permit Renewals for Oversized Carts

If you have an oversized pushcart and your permit expires on or before October 31, 2013, you can renew the permit for this cart once. If your permit expires after October 31, 2013, you cannot renew the permit unless your cart meets the new size requirements.

New Permits

Beginning November 1, 2013, new permits will be issued only for pushcarts 5'x10' or smaller.

Service and Storage Requirements

Pushcarts and trucks must be serviced and stored in overnight facilities, also known as commissaries, that have a Health Department permit. Some vending units that do not prepare food, including Green Carts that sell fresh fruit and vegetables, can be serviced and stored in an alternative facility approved by the Health Department.

Commissaries

Commissaries must provide:

- cleaning and sanitizing services
- potable water
- disposal for liquid and solid waste
- food
- storage for the unit

Alternative Facilities for Non-processing Units

These units can be serviced and stored in alternative facilities approved by the Health Department.

The facility must:

- not store more than four pushcarts or one truck
- provide potable water
- be pest-free
- not prepare or store food

Daily Logs

Commissaries and alternative facilities must keep daily logs of the date and time vending units (identified by permit or decal number) enter and exit and the services provided.

Workers' Compensation and Disability Insurance

The New York State requirement for proof of Workers' Compensation insurance (or a waiver) will be required at the time of application and renewal. This will be strictly enforced for all new applications and renewals as of January 1, 2014. Businesses and other parties applying for a Health Department permit or license must prove compliance with New York State Workers' Compensation and Disability Benefits requirements (WCL §57 & §220 (8)). Workers' Compensation law (WCL) requires that businesses applying for permits or licenses carry Workers' Compensation and Disability Benefits insurance or a waiver (CE-200) for their employees. This requirement applies to both original issuances and renewals. Applicants eligible for exemptions must file a CE-200 for every new or renewed permit or license. Each CE-200 will specifically list the issuing government agency (in this case, the NYC Department of Health & Mental Hygiene) and the type of permit or license requested by the applicant. Most CE-200 forms can be processed electronically. Applicants will be able to fill out the CE-200 on-line and submit it to the Citywide Licensing Center. More info about this is available at <http://www.wcb.ny.gov/content/main/Employers/ProveItToMoveIt.pdf>.

[For this fact sheet in](#) Arabic (عربي), Bengali (বাংলা), Chinese (中文), Spanish (Español) or Urdu (اردو), visit nyc.gov/health/mobilefood, or call **311** and ask for **mobile food vendor rules**. For the actual regulation, visit nyc.gov/health/mobilefood. Changes to Chapter 6 (Food Units) of Title 24, the part of the Rules of the City of New York governing mobile food vending, went into effect on April 11, 2013.

Supply and Equipment Requirements for Mobile Food Vending Units

	Type of Food Sold and Cooking Method	Permit Class	Potable water	Food and ware washing sinks ¹	Hand wash sink	Waste water tank	Overhead structure	Ventilation	Cold holding	Hot holding	Thermometers
Processing	Potentially hazardous raw foods cooked on unit; e.g., fried and grilled sausages, poultry, shish kebab, hamburgers, eggs and gyros	A	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Potentially hazardous prepared foods combined on the unit; e.g., sandwiches raw fruits, vegetables and salads, breads, bagels and rolls buttered or topped with cream cheese on the unit, smoothies and soft-serve ice cream	B	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Non-Processing	Potentially hazardous prepackaged foods; e.g., prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and pre-sliced fruits and vegetables	C	No	No	No	Yes ³	Yes	No	Yes	Yes	Yes
	Non-potentially hazardous unpackaged or packaged foods; e.g., boiled frankfurters and sausages, brewed coffee and tea, donuts, pastries, rolls and bagels buttered or topped with cream cheese at a commissary, popcorn, cotton candy, nuts, candied nuts, soft pretzels, chestnuts	D	Yes ²	No	No	Yes ³	Yes	Yes	Yes ³	Yes ³	Yes ³
	Non-potentially hazardous uncut fruit and vegetables (including Green Carts)	E	No	No	No	No	Yes	No	No	No	No

Notes

1. Food and ware washing sinks may be separate or multi-compartment. A single sink is acceptable for food and ware washing if food is washed in a food-grade colander.
2. Waste water tanks are required when generating liquid waste from brewing coffee or tea, boiling frankfurters, or serving or using ice.
3. Hot and cold holding equipment or methods are required for potentially hazardous foods such as hot dogs, sausages or knishes.

Mobile Food Cart Manufacturers and Fabricators List

The names of the pushcart manufacturers listed below are provided to you for your convenience only. The list is not intended to be nor should it be viewed as exhaustive and constitutes neither an endorsement nor recommendation by the Department of Health & Mental Hygiene or the City of New York of the products or services that those listed may provide. The Department has made no verification and makes no expressed or implied representation as to the quality of the work performed by these manufacturers.

To Manufacturers:

Any pushcart manufacturer who desires to be included on our list of pushcart manufacturers may contact Isaac Popoola, Director, Mobile Food Vending Inspections, at (646) 632-6203, MFVinspections@health.nyc.gov.

1. 800BUYCART

Phone: (718)322-2000 or (800) BUY-CART
94-15 100th Street
Ozone Park, NY 11416
Contact: Jack Beller, VP
www.800buycart.com
vending@worksmen.com

2. Atlas Precision & Products

Phone: (718)-427-6440
36-01 36th Avenue, Astoria
Queen, NY 11106
Contact: Dris Labadi
Email: Dlabco@yahoo.com

3. A & L Sheet Metal Fabrication Corp.

Phone: (718) 842-1600
Fax: (718) 842-2597
1234 Oak Point Avenue
Bronx, NY 10474
Contact: Robert Lally
bob@aandlsheetmetal.com
<http://www.aandlsheetmetal.com/>

4. Apple Metal

Phone: (718)606-8777 or (646)239-2174
38-61 10th Street
Long Island City, NY 11102
Contact: Mohammed Jbilo
Email: Jiblomohammed@yahoo.com

5. Bally Stainless Steel, Inc.

Phone: (718)389-8668
Fax: (718)389-8833
33-24 Northern Boulevard
Long Island City, NY 11101
Contact: George Feng

6. JP Metal Works

Phone: (718)937-6508 or (718)937-6518
18-64 Steinway Street, Astoria
Queens, NY 11105
Contact: John Parpis

7. Shanghai Stainless Steel Product and Design

Phone: (718)599-4583 or (718)599-1125
Fax: (718)599-1250
78-82 Gerry Street
Brooklyn, NY 11206
Contact: Ernie Wong
erniewong@shanghaistainless.com
www.shanghaistainless.com

8. YL Metals Inc.

Phone: (718)786-8885 or (917)257-6107
Fax: (718)786-8885
10-30 44th Drive
Queens, NY 11101
Contact: Sally Chu
chu197748@yahoo.com

ACTIVE LICENSED COMMISSARIES AND DEPOTS AS OF NOVEMBER 20, 2019

SORTED BY BOROUGH, THEN ZIP CODE, THEN NAME

CITY	ZIP CODE	Camis ID	Business Corp Name	BLDG # STREET	TELEPHONE #
BRONX	10451	41676875	141 COMMISSARY, INC	210 EAST 144 STREET	(718) 993-8988
BRONX	10451	50034300	BRONX PUSH CART & WHOLESALE FOOD CORP	101 EAST 144TH STREET	NULL
BRONX	10453	50008726	1975 DOMINICAN ICE, CORP	1975 JEROME AVENUE	(718) 716-6020
BRONX	10455	40343515	SOUTHERN BLVD DEPOT INC	748 SOUTHERN BLVD.	(718) 328-9500
BRONX	10456	41539956	ALEXANDRIA FOOD INC	1202 BROOK AVENUE	(646) 403-7001
BRONX	10456	40343199	DELICIOSO COCO HELADO INC.	849 ST ANNS AVENUE	(718) 292-1930
BRONX	10457	50075327	A & K TRADING INC.	1809 CARTER AVENUE	(917) 500-1046
BRONX	10460	40343376	WILDLIFE CONSERVATION SOCIETY	2300 SOUTHERN BLVD.	(718) 741-1426
BRONX	10460	40795377	WILDLIFE CONSERVATION SOCIETY	2300 SOUTHERN BLVD.	(718) 220-5146
BRONX	10460	40795381	WILDLIFE CONSERVATION SOCIETY	2300 SOUTHERN BLVD.	(718) 741-8170
BRONX	10462	41367274	MANESSIS, KONSTANTINOS	1422 ZEREGA AVENUE	(646) 261-3503
BRONX	10474	50042753	AJM BUSINESS SERVICE INC	1191 SPOFFORD AVENUE	(917) 821-1369
BRONX	10474	50062502	BRONX COMMISSARY INC	515 BRYANT AVENUE	(646) 258-2478
BRONX	10474	50077222	KH NEW INDEPENDENCE INC	527 BARRETTO STREET	(917) 903-9576
BRONX	10474	50035096	NY SOFTEE DEPOT, INC	337 MANIDA STREET	(718) 991-1344
BROOKLYN	11205	41376169	NAVY-YARD COMMISSARY INC.	1115 CLINTON AVENUE	(646) 258-8462
BROOKLYN	11206	41350207	SMOOTHIE ICE CREAM DEPOT	328 TEN EYCK STREET	(718) 326-3472
BROOKLYN	11217	41410329	AYO WHOLESALE CORP	291 BUTLER STREET	(347) 302-3235
BROOKLYN	11217	41577691	BELGO WAFFLE INC.	264 BUTLER STREET	(646) 257-2562
BROOKLYN	11217	41479465	FRANGOS, EMMANUEL	194 HOYT STREET	(718) 789-1640
BROOKLYN	11217	50087428	GOOD JOBS INC	303 DEAN STREET	(718) 833-7400
BROOKLYN	11217	40343577	NICK, MIKE & EMANUEL PAPAMANOLIS	124 DOUGLASS STREET	(917) 923-3744
BROOKLYN	11224	40866700	WILDLIFE CONSERVATION SOCIETY	2 WEST 8 STREET	(718) 220-5100
BROOKLYN	11231	41669360	BROOKLYN BRIDGE PUSH CART INC	66 DEGRAW STREET	(347) 500-6789
BROOKLYN	11231	50048261	RED HOOK BEVERAGES CORP	66 SEABRING STREET	(917) 500-0291
BROOKLYN	11232	50045024	155 NJ INC	155 25TH STREET	(917) 495-0422
BROOKLYN	11232	41661894	39TH STREET DEPOT, LLC	648 39TH STREET	(646) 739-2194
BROOKLYN	11236	50046972	GUISHAN, INC.	10701 AVENUE D	(718) 257-4440
BROOKLYN	11236	41428376	M & H WHOLESALE INC.	8813 DITMAS AVENUE	(917) 560-8932
BROOKLYN	11237	41626571	COMMISSARY DIRECT INC.	178 VARICK AVENUE	(718) 628-4000
NEW YORK	10003	41668882	AL-AMIN FOOD INC.	27 EAST 4 STREET	(347) 686-5667
NEW YORK	10006	40881320	SEVEN ISLAND CORP	46 TRINITY PLACE	(212) 221-4779
NEW YORK	10018	41590667	AE & E TRADING CORP	354 WEST 37 STREET	(212) 244-2310
NEW YORK	10018	50018029	GOLDEN WHOLE SALE LLC	514 WEST 39TH STREET	(646) 919-4532
NEW YORK	10018	41252341	GROUP FOOD VENDORS, LLC	335 WEST 39 STREET	(212) 564-5712
NEW YORK	10018	41604291	HEGAZY FOOD VENDOR INC.	356 WEST 37 STREET	(212) 564-3830
NEW YORK	10018	41686610	MANHATTAN COMMISSARY, INC	327 WEST 36 STREET	(646) 258-2478
NEW YORK	10018	50040507	NEW YORK ONE LLC	349 WEST 37TH STREET	(212) 736-8700
NEW YORK	10019	41087520	CITY LIMITS VENDING, INC.	612 WEST 52 STREET	(212) 956-0871
NEW YORK	10036	40934170	ELASHKAR, ELSAYED MOHAMED	528 WEST 47 STREET	(646) 956-9760
NEW YORK	10036	50074088	MJP SUPPLIERS INC	517 WEST 47TH STREET	(631) 678-5474
NEW YORK	10036	50047655	N AND M FOOD WHOLESALE SUPPLY, INC	604 WEST 47TH STREET	(347) 579-5482
NEW YORK	10036	40799759	UNITED SNACKS INC	610-612 WEST 46 STREET	(212) 582-4648
NEW YORK	10038	50044092	HRISTOS G SEREVETAS	35 MADISON STREET	(646) 384-2812
NEW YORK	10038	41671880	S & S FOOD VENDOR CORP.	55 ANN STREET	(347) 681-2197

CITY	ZIP CODE	Camis ID	Business Corp Name	BLDG # STREET	TELEPHONE #
NEW YORK	10065	41389760	WILDLIFE CONSERVATION SOCIETY	830 5 AVENUE	(212) 288-6077
NEW YORK	10036	50000925	LEGENDS HOSPITALITY, LLC	PIER 83 WEST 42ND STREET	(212) 630-8882
ASTORIA	11102	50080057	ASTORIA DEPOT INC	851 ASTORIA BLVD.	(347) 776-3931
ASTORIA	11102	50036679	KING SOUVLAKI OF ASTORIA INC	14-33 29TH AVENUE	(347) 605-5964
ASTORIA	11106	50005226	ABC FOOD VENDOR CORP	36-17 34TH STREET	(917) 892-4905
ASTORIA	11106	41567353	ALTAWHID FOOD SUPPLY INC.	1002 34 AVENUE	(646) 620-8879
ASTORIA	11106	50080060	ASTORIA DEPOT INC	1116 34TH AVENUE	(347) 776-3931
ASTORIA	11106	50080066	ASTORIA DEPOT INC	34-37 11TH STREET	(347) 776-3931
ASTORIA	11106	50000242	ENGLEZOS SOUVLAKI INC	34-24 38TH STREET	(646) 897-2162
ASTORIA	11106	41601288	VELIS ENTERPRISES INC.	34-48 12 STREET	(917) 642-7431
JAMAICA	11433	50074293	BARAKAH 786 CORP	94-24 MERRICK BLVD.	(917) 402-0691
JAMAICA	11433	50056544	FAHEEMA ENTERPRISE INC	180-11 93RD AVENUE	(917) 297-0774
JAMAICA	11433	50045382	RANA HALAL FOODS INC.	94-24 MERRICK BLVD.	(917) 892-6114
JAMAICA	11435	41561111	GRAN WATAN INC	139-15 95 AVENUE	(718) 658-3128
LONG ISLAND CITY	11101	41685371	39 STREET WHOLESALE DEPOT INC.	38-09 43 AVENUE	(718) 554-6955
LONG ISLAND CITY	11101	50080971	A&M SUPPLIES PUSHCART INC	30-02 BORDEN AVENUE	(917) 776-0545
LONG ISLAND CITY	11101	50003275	AGALLA COMMISSARY GROUP LLC	47-39 35TH STREET	(718) 361-0558
LONG ISLAND CITY	11101	50067752	BEST OF THE BEST GARAGE INC	37-35 VERNON BLVD.	(347) 885-8713
LONG ISLAND CITY	11101	41554951	BIBO EXPRESS CORP	38-11 23 STREET	(718) 472-2695
LONG ISLAND CITY	11101	50080924	CITY VENDOR WHOLESALE LLC	42-12 13TH STREET	(917) 497-2200
LONG ISLAND CITY	11101	50037906	D & H BAGLE CORP	25-25 BORDEN AVENUE	(646) 294-1282
LONG ISLAND CITY	11101	50097245	DC FOOD CART SERVICES INC	50-20 25TH STREET	(786) 222-1609
LONG ISLAND CITY	11101	40557386	G.K FOOD VENDING CORP.	38-35 CRESCENT STREET	(718) 706-0226
LONG ISLAND CITY	11101	50054843	GRAB AND GO CONVENIENCE LLC	40-25 CRESCENT STREET	(212) 999-4777
LONG ISLAND CITY	11101	50079084	M&J COMMISSARY INC	47-38 34THSTREET	(917) 856-5031
LONG ISLAND CITY	11101	40972906	MPS LLC	39-35 22 STREET	(718) 392-7107
LONG ISLAND CITY	11101	50075508	NEW YORK HALAL FOOD INC	37-24 22ND STREET	(917) 971-8717
LONG ISLAND CITY	11101	50097802	PP VENDOR & SUPPLIES INC	37-28 27TH STREET	(347) 987-7351
LONG ISLAND CITY	11101	41014121	PUSHCART VERNON, INC.	45-28 VERNON BLVD.	(718) 937-5020
LONG ISLAND CITY	11101	50048680	Q B US LLC	39-13 24TH STREET	(718) 664-4650
LONG ISLAND CITY	11101	41636470	QUEENS COMMISSARY PLUS INC	38-40 10TH STREET	(917) 412-4145
LONG ISLAND CITY	11101	41473467	QUEENS PAPER SUPPLIES, INC	43-15 QUEENS STREET	(718) 392-0604
LONG ISLAND CITY	11101	50061365	STEPHEN ASARO	1015 44TH ROAD	(646) 481-8103
LONG ISLAND CITY	11101	50003858	UNITED WHOLESALE AND TRADING INC	39-40 22ND STREET	(917) 782-5617
LONG ISLAND CITY	11101	50060007	UNLIMITED NUTS INC	1015 45TH AVENUE	(718) 472-5732
LONG ISLAND CITY	11103	41574936	A 1 SOUVLAKI CORP	24-43 45 STREET	(718) 440-7515
MASPETH	11378	50082854	BROOKLYN COMMISSARY NYC, LLC	57-05 47TH STREET	(718) 381-4000
MASPETH	11378	50007600	KOOL-SEAL WHOLESALE ICE CREAM CORP	58-19 MASPETH AVENUE	(718) 387-8036
MASPETH	11378	41038499	MARY'S SNACKS, INC	58-97 54 STREET	(718) 456-7170
QUEENS VILLAGE	11429	40343197	RO FI CORP.	215-04 HEMSTEAD AVENUE	(718) 456-0900
SOUTH OZONE PARK	11420	40606467	QUEENS BEST ICE CREAM & MIX INC	117-16 122 PLACE	(718) 641-0700
WOODSIDE	11377	50058949	FNK CATERING CORP	53-19 WOODSIDE AVENUE	(929) 600-1111
WOODSIDE	11377	41722744	SUNRISE DELIGHT LLC	32-21 58 STREET	(646) 263-9988
WOODSIDE	11377	50097244	FOUR SISTERS NY INC	37-20 55TH STREET	(646) 329-4431
STATEN ISLAND	10303	50043276	HALAL FOOD DEPOT, LLC	2589 RICHMOND TERRACE	(718) 833-7400
STATEN ISLAND	10314	50035841	CHELSEA ICE CREAM INC.	335 CHELSEA ROAD	(646) 261-4024

NYC Green Cart

A Green Cart is a mobile food cart that offers fresh produce in certain NYC areas. Green Carts can only sell fresh fruits and vegetables and can only operate in designated areas. To operate a Green Cart you need a valid mobile food vending license and a Green Cart permit.

1. What kinds of produce can a Green Cart sell?

A Green Cart can only sell raw fruits and vegetables such as whole carrots, bananas, apples and berries. Frozen or processed produce is not allowed. For food safety reasons, Green Cart operators cannot sell cut, sliced, peeled or processed fruits or vegetables.

2. Where can a Green Cart operate?

Each Green Cart permit allows a cart to operate in one NYC borough only. Within each borough, Green Carts can operate only in certain designated areas. (See the map.)

3. What do I need to operate a Green Cart?

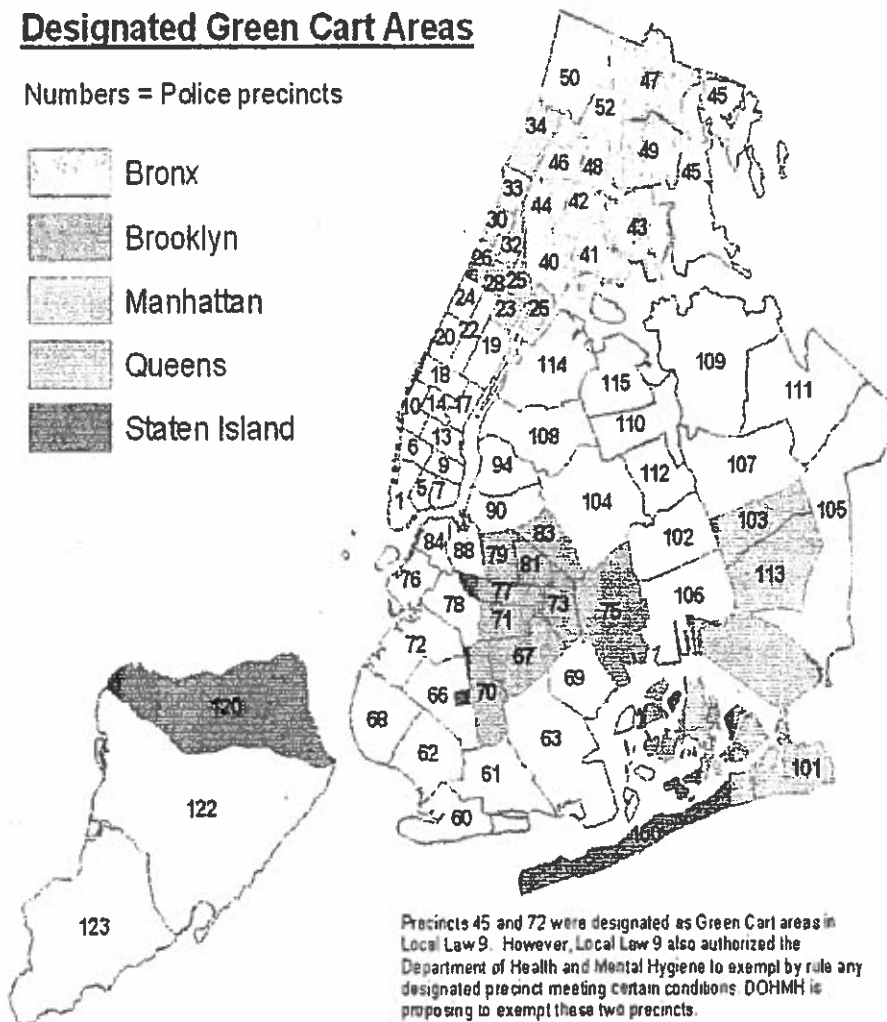
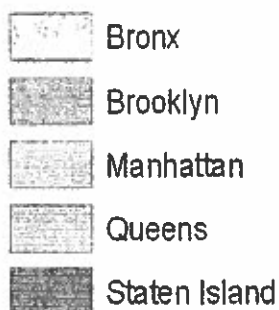
You need BOTH a license and a permit to operate a Green Cart. The license is for the *person* and the permit is for the *cart*. The license is the same license you need to operate any mobile food cart.

4. If I already have a mobile food vending permit, can I get a Green Cart permit too?

You can only have one permit at a time. If you apply and are selected for a Green Cart permit and you accept the Green Cart permit, you will have to forfeit your other mobile food vending permit.

Designated Green Cart Areas

Numbers = Police precincts



Precincts 45 and 72 were designated as Green Cart areas in Local Law 9. However, Local Law 9 also authorized the Department of Health and Mental Hygiene to exempt by rule any designated precinct meeting certain conditions. DOHMH is proposing to exempt these two precincts.

What are the costs for a Green Cart?

5. How much does it cost to apply for a Green Cart permit?

The *permit* costs \$75 and is valid for 2 years. After that, it costs \$50 to renew your Green Cart permit for each 2-year period. It also costs \$50 to renew your mobile food *license* for each 2-year period, plus a \$10 fee for tax clearance.

All fees must be paid by check or money order at the Citywide Licensing Center. Fees for the license and permit are waived for United States Veterans with a New York State Peddler's Certificate or their surviving spouses or domestic partners with this certificate.

6. What about the cart itself?

You must buy your own cart and produce. You can find an approved list of cart manufacturers at nyc.gov/greencarts. The Health Department must inspect and approve your cart before you operate it. A new cart costs about \$2,000. Each cart may take up to one month to build. If you purchase a used cart, make sure the cart is the right size and design to pass inspection.

7. I'm not going to start selling fruits and vegetables right away. Do I need to buy my cart now?

Once you submit your permit application, you have 180 days to buy a cart and pass your cart inspection. Make sure to plan ahead for your business because it may take up to a month for a manufacturing company to build your cart.

8. Where can I store my cart?

You must store your cart in a commissary or depot licensed through the New York City Health Department. Storage costs around \$175 to \$300 per month. If you are unable to store your cart in a commissary or depot, you may submit to the Health Department a "waiver request" form and the location of a different cart storage location that you would like to use. You must receive approval from the Health Department to store your cart at any non-licensed location.

For more information, call 311 and ask for "Green Carts" or go to nyc.gov/greencarts

Other languages available: Arabic (عربي), Bengali (বাংলা), Chinese (中文), Spanish (Español), and Urdu (اردو)

Attention Green Cart Vendors:

You may only vend within certain designated neighborhoods, and only within the borough that you have been assigned to, based on the choices you made at the time of the waiting list application.

You will find the name of the borough that you chose on the label that is on the green application in this packet. Included in this packet are maps of areas that allow Green Cart vendors. You must station your Green Cart within these designated neighborhoods. These neighborhoods have been identified as needing more fresh fruits and vegetables available for their residents.

There are some streets within these areas where you **may not** station your cart. They are:

In Brooklyn:

On the west side of East 37th Street between Clarkson Avenue and Lenox Road on Mondays through Fridays, from 9 am to 6 pm (67th Precinct)

On the north side of Lenox Road between East 37th Street and New York Avenue on Mondays through Fridays, from 9 am to 6 pm (67th Precinct)

On Church Avenue between Coney Island and Nostrand Avenues on Mondays through Saturdays, from 8 am to 9 pm (67th and 70th Precincts)

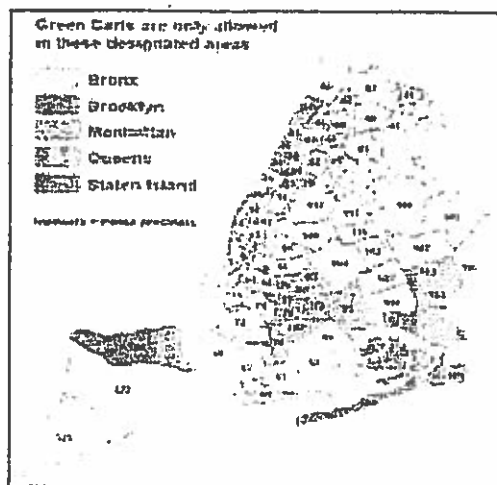
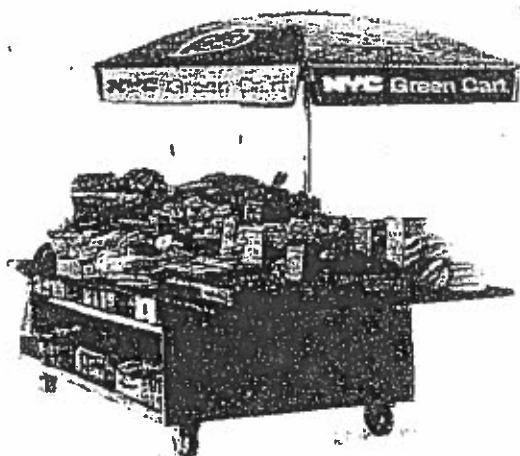
On Flatbush Avenue between Parkside Avenue and Avenue I, on Monday through Saturday, from 8 am to 9 pm (67th and 70th Precincts)

In Queens:

On Liberty Avenue between 103rd Avenue and the Van Wyck Expressway on Mondays through Saturdays, from 9 am to 6:30 pm (103rd Precinct)

In the Bronx:

On Westchester Avenue between Simpson Street and Southern Blvd. on Mondays through Fridays, between 9 am and 6 pm (42nd Precinct)

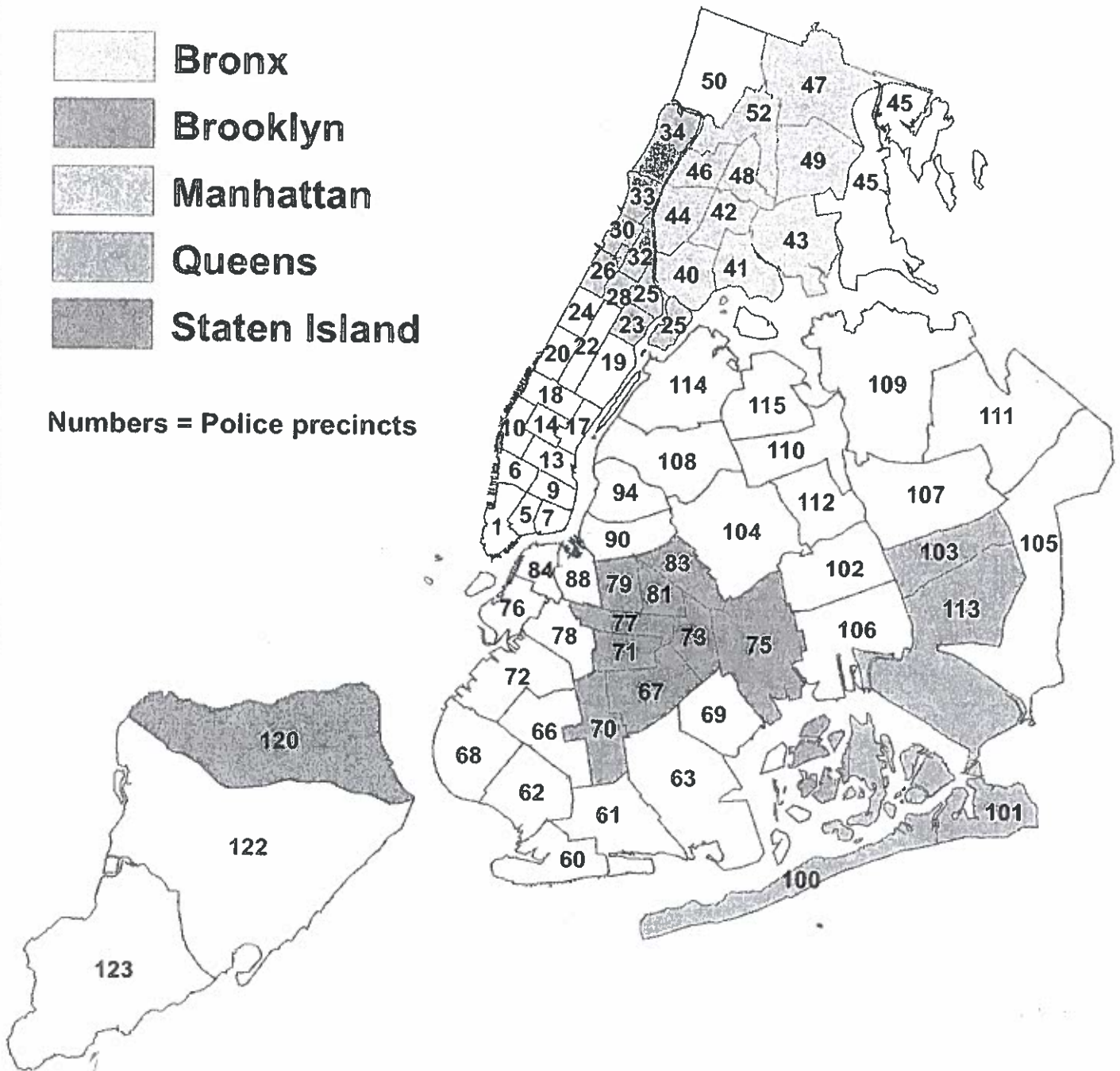


NYC Green Cart

Green Carts are only allowed in these designated areas

-  Bronx
-  Brooklyn
-  Manhattan
-  Queens
-  Staten Island

Numbers = Police precincts

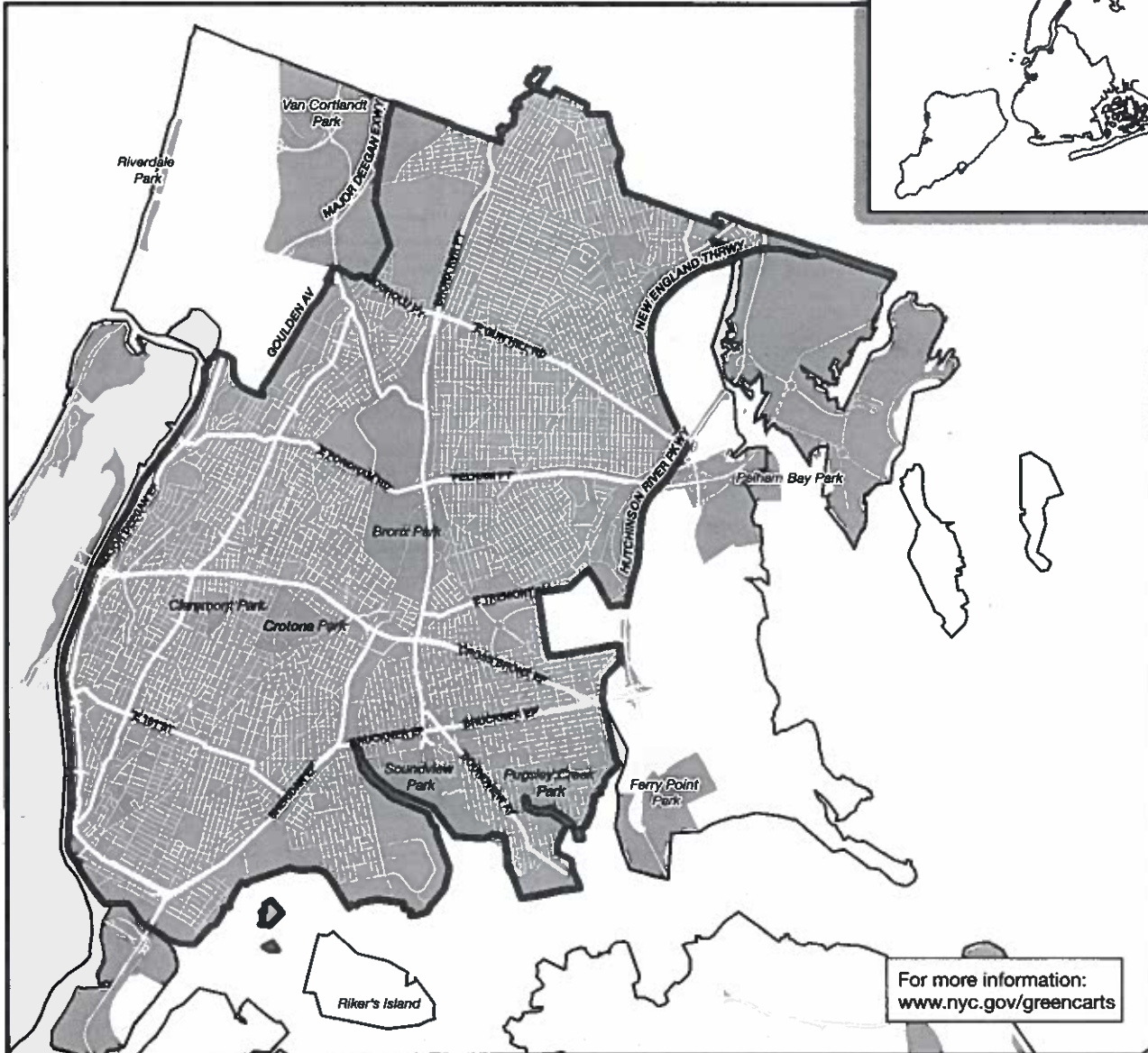


NYC Green Carts

This mobile food vending unit is permitted to operate only within the areas shaded in green on this map and within the NYPD precincts listed, unless otherwise prohibited by applicable laws, rules, ordinances, regulations governing the operation of all mobile food vending units.

The area shaded in green includes Precincts 40, 41, 42, 44, 46, 47, 48, 49, and 52.

BRONX

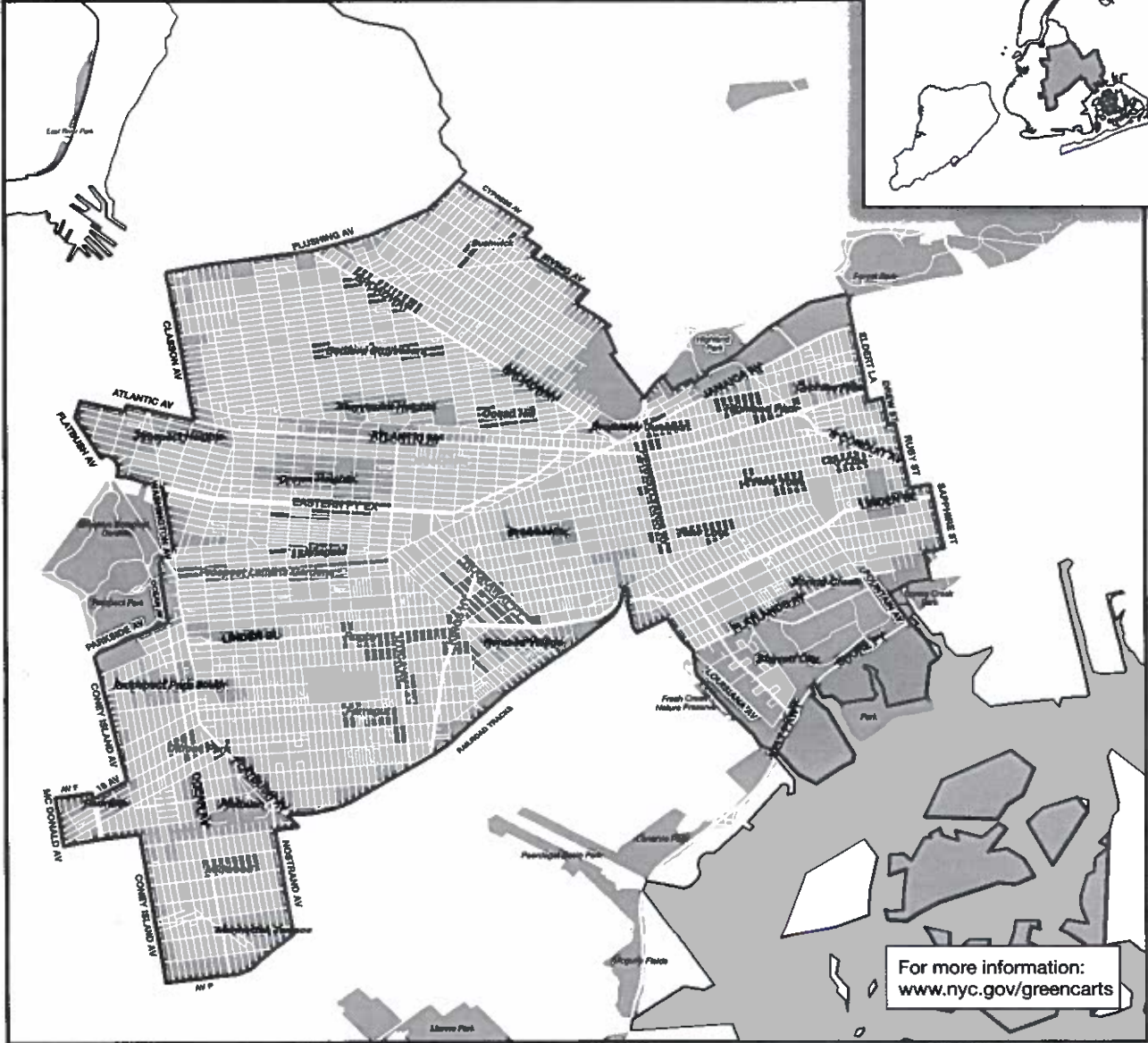
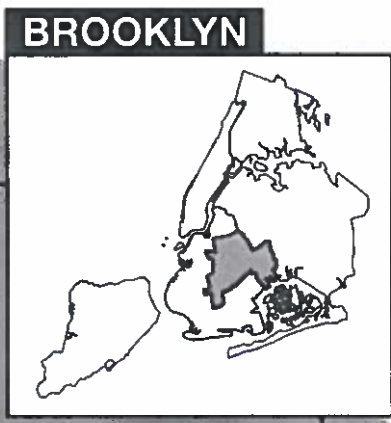


For more information:
www.nyc.gov/greencarts

NYC Green Carts

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The area shaded in green includes Precincts 67, 70, 71, 73, 75, 77, 79, 81, and 83.



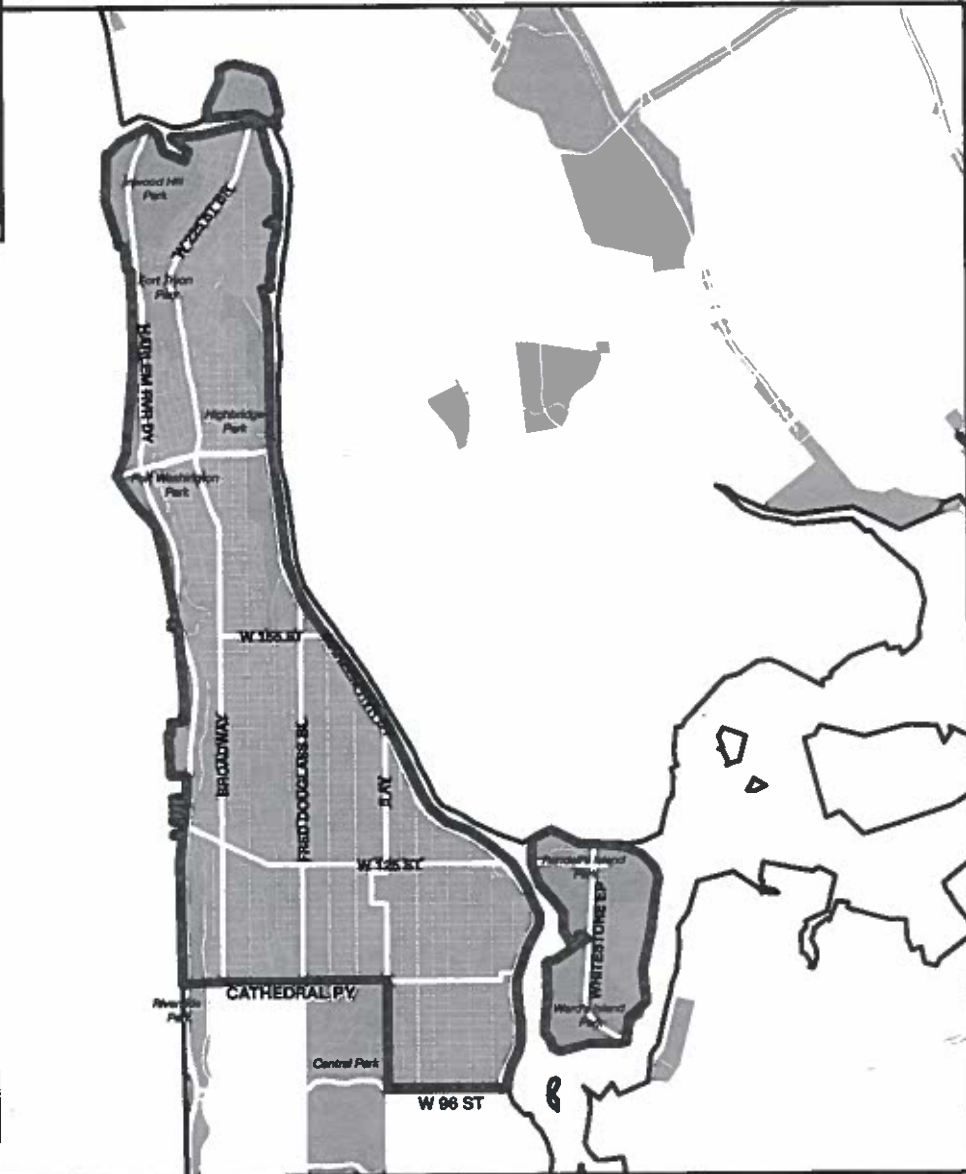
For more information:
www.nyc.gov/greencarts

NYC Green Carts

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The area shaded in green includes Precincts 23, 25, 26, 28, 30, 32, 33, and 34.

MANHATTAN



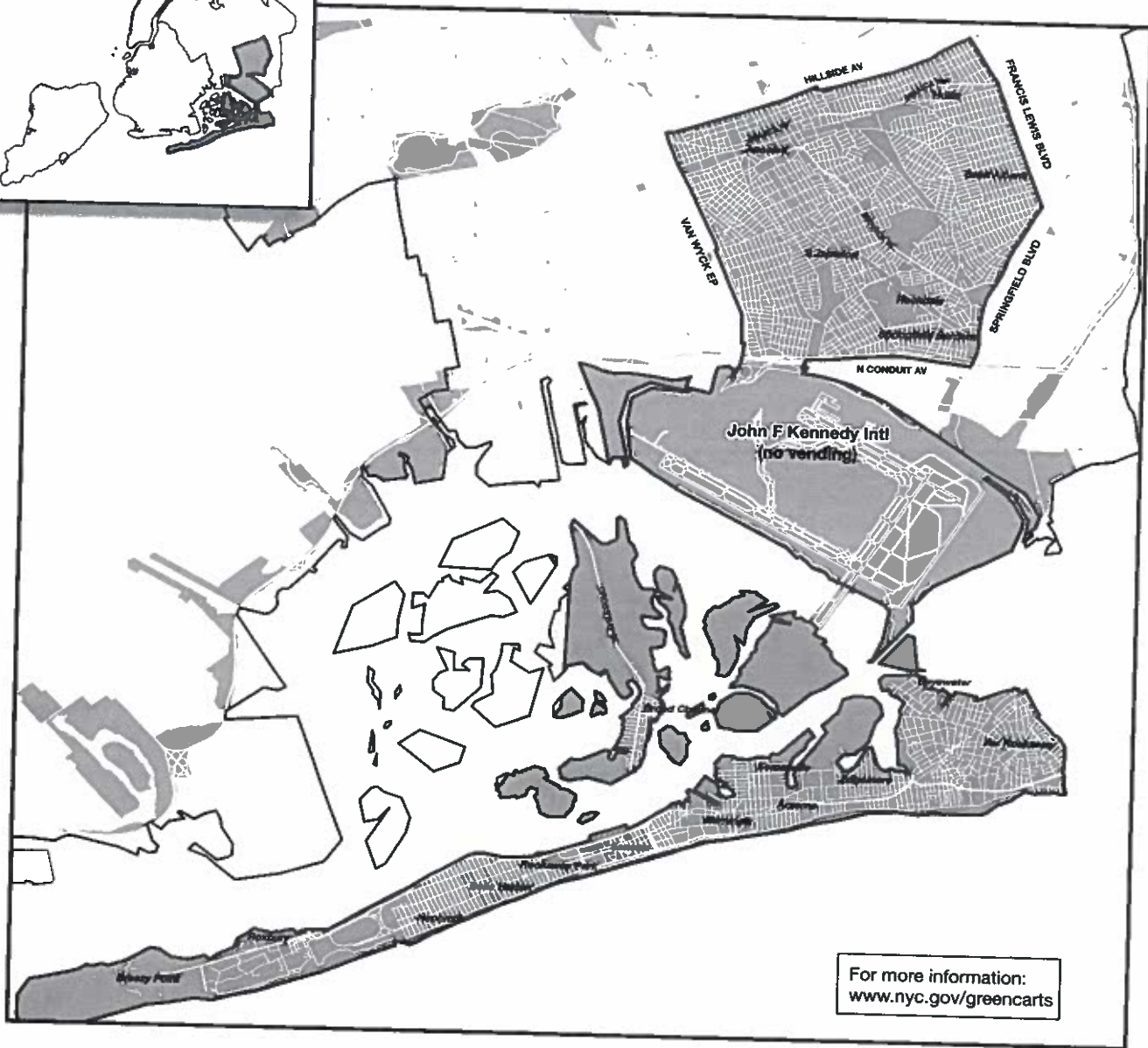
For more information:
www.nyc.gov/greencarts

NYC Green Carts

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The area shaded in green includes Precincts 100, 101, 103, and 113.

QUEENS



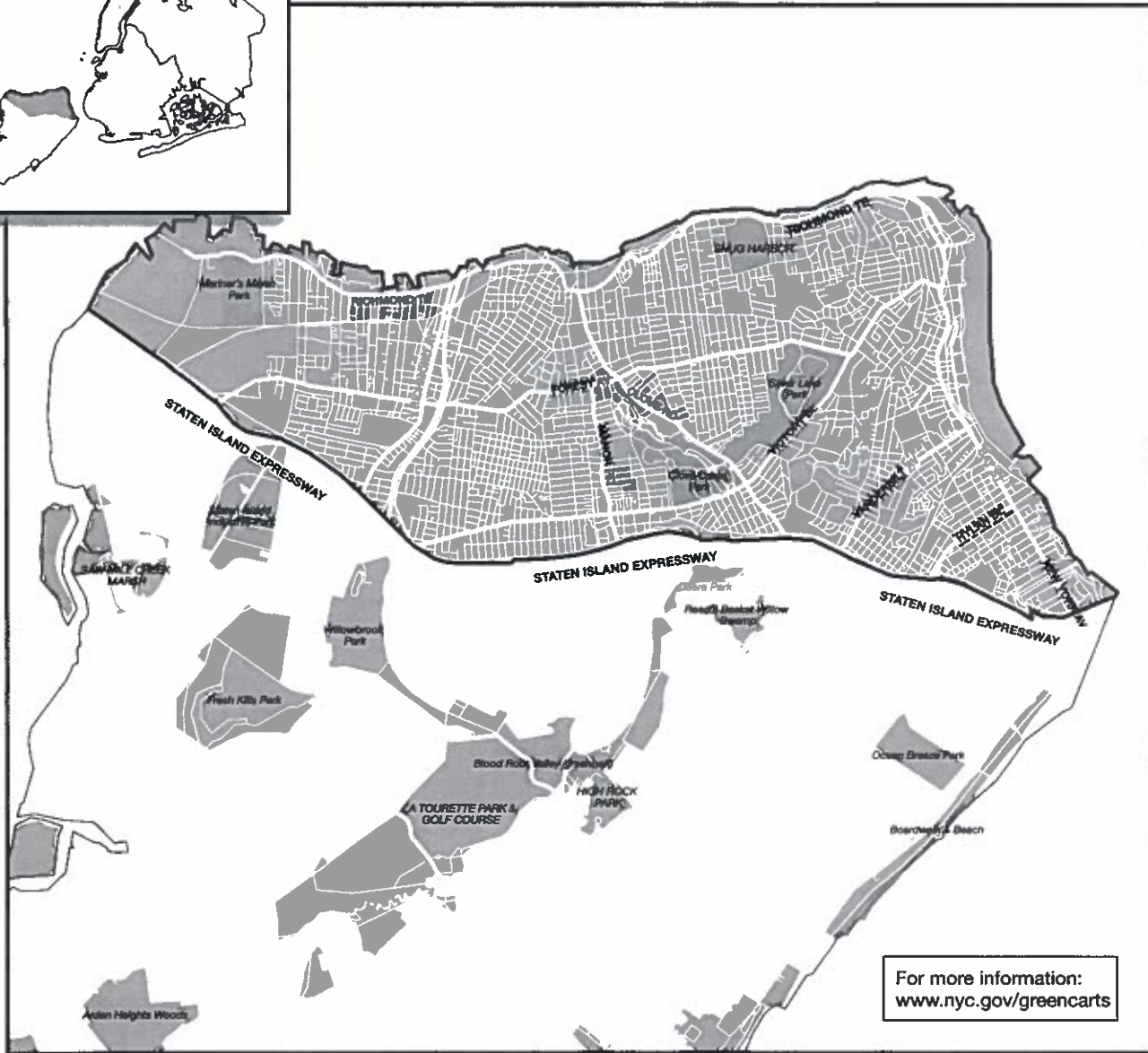
For more information:
www.nyc.gov/greencarts

NYC Green Carts

This mobile food vending unit is permitted to operate only within the areas shaded in green on this map and within the NYPD precincts listed, unless otherwise prohibited by applicable laws, rules, ordinances, regulations governing the operation of all mobile food vending units.

The area shaded in green includes Precincts 120.

STATEN ISLAND





NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE

Dear Mobile Food Vendor:

Attached please find a copy of an updated list of streets from which mobile food vending is restricted.

This list combines that information found in Title 17, Sections 17-315(k and l) in the New York City Administrative Code (for the Department of Health & Mental Hygiene) and Title 6, Section 2-314 of the Rules of the City of New York (for the Department of Consumer Affairs) into one easy-to-use format.

The list is organized by borough and within each borough in alphabetical order, and includes street locations, days and times when mobile food vending is **not** to occur. There are presently no specified street restrictions listed in each of the above sections for the borough of Staten Island.

Please be advised that there are three separate cases for which the information provided in these sections overlaps and may be different. The source of this information (the section for the Department of Health & Mental Hygiene or the section for the Department of Consumer Affairs) is indicated on the bottom on the page where the cases are listed.

In these cases, we advise that you exercise caution and refer to the **most** restrictive days and times indicated to avoid receiving a summons.

Thank you.

Sincerely,

Department of Health & Mental Hygiene

Updated 5/6/2011
Reprinted 2/1/2019

MANHATTAN

RESTRICTED

<u>STREET</u>	<u>FROM</u>	<u>DAYS</u>	<u>TIMES</u>
Avenue of the Americas ²	West 30 to West 33 Street	Everyday	6 AM to 11 PM
Avenue of the Americas ¹	West 32 to West 59 Street	Mon through Sat	8 AM to 7 PM
Broad Street	Wall Street to South Street	Mon through Fri	8 AM to 6 PM
Broadway	Bowling Green to Wall Street	Mon through Fri	8 AM to 6 PM
	Liberty Street to Vesey Street	Everyday	24 hours
	Vesey Street to Murray Street	Mon through Fri	8 AM to 7 PM
	27th Street to 28 th Street	Everyday	9 AM to 6 PM
Broadway ¹	West 32 to West 52 Street	Everyday	8 AM to 8 PM
Broadway ²	West 32 to West 52 Street	Everyday	8 AM to 11 PM
Cedar Street	William Street to Pearl Street	Mon through Fri	8 AM to 6 PM
Church Street	Liberty Street to Vesey Street	Everyday	24 hours
	Vesey Street to Murray Street	Mon through Fri	8 AM to 6 PM
Columbus Avenue (East Side)	West 65 th to West 66 th Street	Everyday	9 AM to 6 PM
Cortlandt Street (Entire Street)	Church Street to Broadway	Everyday	24 hours
Delancey Street	Orchard St. to Essex St.	Mon through Sun	8 AM to 6PM
Dey Street (Entire Street)	Church Street to Broadway	Everyday	24 hours
Exchange Place	Broadway to Broad Street	Mon through Fri	8 AM to 6 PM
Fulton Street	Water St. to William St.	Everyday	24 hours
	William Street to Broadway	Mon through Fri	8 AM to 7 PM
	Broadway to Church Street	Everyday	24 hours
Gold Street	Fulton Street to Frankfurt Street	Mon through Fri	8 AM to 6 PM
Grand Street	Centre Street to Mott Street	Sat. - Sun.	8 AM to 7 PM
	Bowery to Allen Street	Sat. - Sun.	8 Am to 7 PM
John Street	Broadway to Gold Street	Mon through Fri	8 AM to 7 PM
Lexington Avenue	East 40 to East 57 Street	Mon through Sat	8 AM to 7 PM
	East 58 to East 60 Street	Mon through Sat	8 AM to 9 PM
	East 61 to East 69 Street	Mon through Sat	8 AM to 6 PM
	East 74 to East 79 Street	Everyday	7 AM to 7 PM

¹ This is found in the section of the NYC Administrative Code for the NYC Dept of Health & Mental Hygiene

² This is found in the section of the Rules of the City of New York for the NYC Dept of Consumer Affairs

MANHATTAN (continued)

<u>RESTRICTED STREET</u>	<u>FROM</u>	<u>DAYS</u>	<u>TIMES</u>
Liberty Street	West Street to Broadway	Everyday	24 hours
Madison Avenue	East 34 to East 45 Street East 46 to East 59 Street E. 59 th to E. 60 th Street (west side)	Mon through Fri Mon through Sat Mon through Sat	8 AM to 6 PM 10 AM to 7 PM 10 AM to 7 PM
Maiden Lane	Broadway to Nassau Street	Mon through Fri	8 AM to 6 PM
Mott Street	Canal Street to Chatham Square Canal Street to Broome Street	Everyday Everyday	24 hours 10 AM to 7 PM
New Street	Exchange Place to Wall Street	Mon through Fri	8 AM to 6 PM
Park Avenue	East 34 to East 42 Street East 46 to East 55 Street East 55 to East 59 Street	Mon through Fri Mon through Fri Mon through Fri	8 AM to 7 PM 9 AM to 6 PM 10 AM to 7 PM
Pearl Street	Fulton Street to Frankfurt Street	Mon through Fri	8 AM to 6 PM
Prince Street	Broadway to West Broadway	Sat and Sun	9 AM to 7 PM
Rector Street	Washington Street to Broadway	Mon through Fri	8 AM to 6 PM
Spring Street	Broadway to West Broadway	Sat and Sun	9 AM to 7 PM
Vanderbilt Avenue	East 42 to East 45 Street	Mon through Fri	8 AM to 7 PM
Vesey Street	West Street to Broadway	Everyday	24 hours
Wall Street	Broad Street to Broadway	Mon through Fri	8 AM to 6 PM
Water Street	Wall Street to Whitehall Street	Mon through Fri	8 AM to 7 PM
West Street	Liberty Street to Vesey Street	Everyday	24 hours
William Street	Exchange Place to Pine Street John Street to Fulton Street	Mon through Fri Mon through Fri	8 AM to 6 PM 8 AM to 6 PM
3 rd (Third) Avenue	East 40 to East 57 Street East 58 to East 60 Street	Mon through Fri Mon through Sat	8 AM to 6 PM 8 AM to 9 PM
5 th (Fifth) Avenue	32nd Street to 59th Street 47 th Street to 58 th Street	Mon through Sat Sunday from 11/1 to 1/15	8 AM to 7 PM 10 AM to 6 PM
5 th (Fifth) Avenue (East Side only)	East 81 to East 84 Street	Everyday	9 AM to 6 PM

MANHATTAN (continued)

<u>RESTRICTED STREET</u>	<u>FROM</u>	<u>DAYS</u>	<u>TIMES</u>
7 th (Seventh) Avenue	West 27 to West 30 Street	Mon through Fri	10 AM to 2 PM
	West 30 to West 33 Street	Everyday	6 AM to 11 PM
	West 33 to West 34 Street	Mon through Sat	8 AM to 6 PM
	West 34 to West 35 Street	Mon through Sat	8 AM to 7 PM
	West 35 to West 45 Street	Mon through Sat	8 AM to midnight
	West 46 to West 52 Street	Mon through Sat	12 Noon to 11PM
8 th (Eighth) Avenue	West 33 to West 42 Street	Everyday	8 AM to 7 PM
14 th Street	Broadway to Seventh Ave.	Mon through Sat	12 noon to 8 PM
32 nd Street	Sixth Ave. to Seventh Ave.	Everyday	8 AM to 6 PM
33 rd Street	Park Ave. to Fifth Ave.	Mon through Sat	7 AM to 7 PM
	Sixth Ave. to Seventh Ave.	Everyday	8 AM to 6 PM
34th Street	Park Ave. to Fifth Ave.	Everyday	8 AM to 7 PM
	Fifth Ave. to Seventh Ave.	Mon through Sat	8 AM to 7 PM
	Seventh Ave. to Eighth Ave.	Everyday	8 AM to 7 PM
35th Street	Seventh Ave. to Ninth Ave.	Everyday	7 AM to 7 PM
36th Street	Seventh Ave. to Ninth Ave.	Everyday	7 AM to 7 PM
37th Street	Seventh Ave. to Eighth Ave.	Everyday	7 AM to 7 PM
38th Street	Seventh Ave. to Ninth Ave.	Everyday	7 AM to 7 PM
39th Street	Seventh Ave. to Eighth Ave.	Everyday	7 AM to 7 PM
41st Street	Seventh Ave. to Ninth Ave.	Everyday	7 AM to 8 PM
42 nd Street	First Ave. to Third Ave.	Mon through Fri	8 AM to 7 PM
	Third Ave. to Eighth Ave.	Mon through Sat	8 AM to 7 PM
43 rd Street	Second Ave. to Third Ave.	Everyday	6 AM to 7 PM
	Third Ave. to Fifth Ave.	Everyday	7 AM to 7 PM
	Broadway to Eighth Ave.	Wed & Sat	12 Noon to 11 PM
		Sunday	12 Noon to 6 PM
		Other days	7 PM to 11 PM

MANHATTAN (continued)

RESTRICTED

<u>STREET</u>	<u>FROM</u>	<u>DAYS</u>	<u>TIMES</u>
44 th Street	Third Ave. to Fifth Ave.	Everyday	7 AM to 7 PM
	Broadway to Eighth Ave.	Wed & Sat	12 Noon to 11PM
		Sunday	12 Noon to 6 PM
		Other days	7 PM to 11 PM
45th Street	Third Ave. to Fifth Ave.	Everyday	7 AM to 7 PM
	Broadway to Eighth Ave.	Wed & Sat	12 Noon to 11PM
		Sunday	12 Noon to 6 PM
		Other days	7 PM to 11 PM
46th Street	Seventh Ave. to Eighth Ave.	Wed & Sat	12 Noon to 11PM
		Sunday	12 Noon to 6 PM
		Other days	7 PM to 11 PM
47 th Street ²	Fifth Ave. to Ave. of the Americas	Mon through Sat	10 AM to 6 PM
47th Street ¹	Fifth Ave. to Eighth Ave.	Wed & Sat	12 Noon to 11PM
		Sunday	12 Noon to 6 PM
		Other days	7 PM to 11 PM
48 th Street	Madison to Ave. of the Americas Broadway to Eighth Ave.	Everyday	7 AM to 11 PM
		Wed & Sat	12 Noon to 11 PM
		Sunday	12 Noon to 6 PM
		Other days	7 PM to 11 PM
48 th Street (South Side only)	Ave. of the Americas to 7th Ave.	Everyday	7 AM to 11 PM
49 th Street	Madison to Ave. of the Americas Broadway to Eighth Ave.	Everyday	7 AM to 11 PM
		Wed & Sat	12 Noon to 11 PM
		Sunday	12 Noon to 6 PM
		Other days	7 PM to 11 PM
50 th Street	Madison to Ave. of the Americas Broadway to Eighth Ave.	Everyday	7 AM to 11 PM
		Wed & Sat	12 Noon to 11 PM
		Sunday	12 Noon to 6 PM
		Other days	7 PM to 11 PM
51 st Street	Park Ave to Ave. of the Americas Broadway to Eighth Ave.	Everyday	7 AM to 11 PM
		Wed & Sat	12 Noon to 11 PM
		Sunday	12 Noon to 6 PM
		Other days	7 PM to 11 PM

¹ This is found in the section of the NYC Administrative Code for the NYC Dept of Health & Mental Hygiene

² This is found in the section of the Rules of the City of New York for the NYC Dept of Consumer Affairs

MANHATTAN (continued)**RESTRICTED
STREET****FROM****DAYS****TIMES**

52 nd Street	Madison to Ave. of the Americas Broadway to Eighth Ave.	Everyday Wed & Sat Sunday Other days	8 AM to 11 PM 12 Noon to 11 PM 12 Noon to 6 PM 7 PM to 11 PM
53 rd Street	Third Ave. to Lexington Ave. Madison Ave. to Fifth Avenue Fifth Ave to Ave. of Americas (North Side only) Broadway to Eighth Ave.	Mon through Sat Mon through Sat Everyday Wed & Sat Sunday Other days	7 AM to 8 PM 7 AM to 8 PM 8 AM to 7 PM 12 Noon to 11 PM 12 Noon to 6 PM 7 PM to 11 PM
53 rd Street (South Side only)	Park Ave. to Madison Avenue	Mon through Sat	7 AM to 8 PM
54 th Street	Third Ave. to Lexington Ave.	Everyday	7 AM to 7 PM
56 th Street	Park Ave to Madison Avenue Lexington Ave. to Sixth Avenue	Everyday Mon through Sat	7 AM to 11 PM 7 AM to 8 PM
57 th Street	Park Ave. to Eighth Avenue	Mon through Sun	8 AM to 7 PM
58 th Street	Madison Ave. to Fifth Avenue Fifth Ave. to Sixth Avenue	Mon through Sat Mon through Sat	8 AM to 7 PM 8 AM to 8 PM
59 th Street	Madison Ave. to Fifth Avenue Lexington Ave. to Park Ave	Mon through Sat Mon through Sat	8 AM to 7 PM 8 AM to 7 PM
60 th Street	Lexington Ave. to Park Ave	Mon through Sat	8 AM to 7 PM
77 th Street	Park Avenue to Third Avenue	Everyday	24 hours
86 th Street	Third Ave. to Lexington Ave.	Everyday	7 AM to 7 PM

BRONX

Westchester Avenue	Simpson Street to Southern Blvd	Mon through Fri	9 AM to 6 PM
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BROOKLYN

Bridge Street	Fulton Street to Myrtle Avenue	Everyday	6 AM to 7 PM
Brighton Beach Avenue	Ocean Parkway to Corbin Place	Everyday from May 1 to Labor Day	7 AM to midnight

BROOKLYN (continued)

<u>RESTRICTED STREET</u>	<u>FROM</u>	<u>DAYS</u>	<u>TIMES</u>
Church Avenue	Coney Island Ave to Nostrand Ave	Mon through Sat	8 AM to 9 PM
Court Street/Cadman Plaza	Remsen Street to Pierrepont Street	Everyday	24 hours
Cropsey Avenue	Bay 50 th Street to Bay 54 th Street	Everyday from May 1 to Labor Day Everyday from Labor Day to May 1	24 hours 7 AM to midnight
DeKalb Avenue	Fulton Street to Flatbush Ave.	Everyday	8 AM to 7 PM
Emmons Avenue	Shore Blvd. to Knapp Street	Everyday from May 1 to Sept 30	11 AM to 11 PM
Flatbush Avenue	Parkside Ave. to Avenue I	Mon through Sat	8 AM to 9 PM
Fulton Street	Adams Street to Flatbush Ave.	Everyday	8 AM to 7 PM
Hoyt Street	Fulton Street to Livingston St.	Everyday	8 AM to 7 PM
Graham Avenue	Broadway to Boerum Street	Everyday	8 AM to 6 PM
Jay Street	Fulton Street to Tillary Street	Everyday	6 AM to 7 PM
Johnston Street	Adams St. to Flatbush Ave. Extension	Everyday	6 AM to 7 PM
Kings Highway	Ocean Ave. to Ocean Parkway	Everyday	9 AM to 9 PM
Lawrence Street	Fulton Street to Myrtle Avenue	Everyday	6 AM to 7 PM
Lenox Road (North Side Only)	East 37 th Street to New York Ave	Mon through Fri	9 AM to 6 PM
Mermaid Avenue	Stillwell Ave. to West 20 Street	Everyday from May 1 to Labor Day Everyday from Labor Day to May 1	24 hours 7 AM to midnight
Montague Street	Court Street to the Promenade	Everyday	24 hours
Oriental Boulevard	West End Ave. to Oxford Street	Everyday from May 1 to Sept 30	11 AM to 11 PM

BROOKLYN (continued)

<u>RESTRICTED STREET</u>	<u>FROM</u>	<u>DAYS</u>	<u>TIMES</u>
Pierrepont Street	Cadman Plaza to Henry Street	Everyday	24 hours
Red Hook Lane	Fulton Street to Livingston St.	Everyday	8 AM to 7 PM
Remsen Street	Court Street to Henry Street	Everyday	24 hours
Sheepshead Bay Road	Emmons Avenue to Avenue Z	Everyday	11 AM to 11 PM
Shore Boulevard	Emmons Ave. to Pembroke St.	Everyday from May 1 to Sept 30	11 AM to 11 PM
Stillwell Avenue	Neptune Avenue to Boardwalk	Everyday from May 1 to Labor Day Everyday from Labor Day to May 1	24 hours 7 AM to midnight
Surf Avenue (both sides of Boardwalk)	West 5 Street to West 20 Street	Everyday from May 1 to Labor Day Everyday from Labor Day to May 1	24 hours 7 AM to midnight
Willoughby Street	Adams St. to Flatbush Ave. Extension	Everyday	6 AM to 7 PM
13 th Avenue	37 th Street to 55 th Street	Mon through Fri & Sun	8 AM to 8PM
18 th Avenue	McDonald Ave. to 60 th Street 55 th Street to 68 th Street	Mon through Fri & Sun Mon through Fri & Sun	8 AM to 8 PM 8 AM to 8 PM
East 37 th Street (West Side Only)	Clarkson Avenue to Lenox Road	Mon through Fri	9 Am to 6 PM

QUEENS

Junction Boulevard	L.I. Expressway to 57 th Avenue Roosevelt Ave. to 34 th Avenue	Everyday Everyday	9 AM to 10 PM 9 AM to 8 PM
Liberty Avenue	103 rd Ave. to Van Wyck Expressway	Mon through Sat	9 AM to 6:30 PM
Rockaway Blvd.	148 th Ave to 175 th Street	Mon through Fri	8 AM to 6 PM
Steinway Street	25 th Avenue to Broadway	Mon through Sat	10 AM to 6 PM

Article 89

Mobile Food Vending

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ARTICLE 89
MOBILE FOOD VENDING

§89.01 Scope.

In addition to Article 81, all other applicable provisions of this Code, Chapter 6 of Title 24 of the Rules of the City of New York, and Subpart 14-4 of Part 14 of the State Sanitary Code (10 NYCRR Chapter 1), or successor regulations, the provisions of this article shall apply to all mobile food vending operations, including, but not limited to, the sale of foods, and foods distributed without charge, from mobile food vending units on or in public, private and restricted spaces, both indoors and outdoors, including mobile food vendors and units that are regulated by the Administrative Code.

§89.03 Definitions.

When used in this article:

- (a) Charitable organization shall mean any charitable organization required to register with the State Attorney General that distributes food free of charge.
- (b) Decal shall mean the identifying plate, insignia, seal or other identifying device that is placed on a mobile food vending unit by the Department, after the unit has been approved and inspected by the Department and authorizing use of the unit for mobile food vending.
- (c) Food shall have the same meaning as in Article 71 of this Code.
- (d) License shall mean the paper or other license document and photo identification badge issued to a mobile food vendor authorizing such person to sell food from a mobile food vending unit that has been issued a permit by the Commissioner.
- (e) Material alteration shall mean an alteration that changes or results in a change in the size of the unit, or the replacement of any part of the body structure or equipment in a mobile food vending unit including, but not limited to, any food contact surface or non-food contact surface, and plumbing equipment such as sinks, potable and waste water tanks. A tire change or repair, replacement of the axle, or straightening a dent in a panel shall not be considered a material alteration.
- (f) Mobile food commissary shall mean a food service establishment or a non-retail food service establishment, as those terms are defined in Article 81 of this Code, or other facility approved by the Department that complies with Chapter 6 of Title 24 of the Rules of the City of New York, which provides any of the following services to one or more mobile food vending units:
 - (1) Storage of the unit when the unit is not being used for vending;
 - (2) Cleaning and sanitizing of the unit;
 - (3) Cleaning and sanitizing of the equipment and utensils used on a unit;
 - (4) Disposing of liquid and solid wastes and refuse generated by the operation of a unit;or
 - (5) Supplying of potable water and food, whether pre-packaged by the manufacturer, or prepared at the commissary, and furnishing of non-food supplies.
- (g) Mobile food vending shall mean setting up to sell, and preparing, storing, holding and selling food, or distributing food free of charge, to the public from a mobile food vending unit.
- (h) Mobile food vending unit shall mean a food service establishment as defined in Article 81 of this Code located in a pushcart or vehicle, self or otherwise propelled, used to store,

prepare, display, serve or sell food, or distribute food free of charge to the public, for consumption in a place other than in or on the unit. Any such pushcart or vehicle shall be deemed a mobile food vending unit whether operated indoors or outdoors, on public, private or restricted space. A mobile food vending unit shall not mean a stand or a booth.

- (i) Mobile food vendor shall mean a person who sells or offers for sale food, or distributes food free of charge, from a mobile food vending unit in any public, private or restricted space.
- (j) Operate or operation of a mobile food vending unit shall mean setting up, preparing, storing, holding and selling food, or distributing food free of charge, from a mobile food vending unit.
- (k) Permit shall mean the paper or other permit document authorizing the use of a specific mobile food vending unit to sell or distribute food, and the decal affixed to the unit by the Department after such unit has passed a pre-permit inspection.
- (l) Potentially hazardous foods shall have the same meaning as provided in Article 81 of this Code.
- (m) Private space shall mean all privately owned or leased property where use of the property for commercial purposes, including mobile food vending, is restricted to persons who have the written permission of the owner or lessee of the property.
- (n) Public space shall mean all publicly owned property between the property lines on a street as such property lines are shown on City records including, but not limited to, a park, plaza, roadway, shoulder, tree space, sidewalk or parking space between such property lines.
- (o) Pushcart shall mean a wheeled device, not required to be licensed as a vehicle, that is equipped in accordance with this Article and that is approved by the Department for use as a mobile food vending unit. Pushcart shall not mean a stand or booth.
- (p) Restricted space shall mean publicly owned property where the owner or the lessee has the right to restrict or limit commercial activity, including mobile food vending.
- (q) Service, servicing or providing services to a mobile food vending unit shall mean providing the services listed under subdivision (f) of this section, at a mobile food commissary, or other facility approved by the Department in accordance with Chapter 6 of Title 24 of the Rules of the City of New York.
- (r) Temporary mobile food vending permit shall mean a seasonal permit issued for operating a mobile food vending unit from April 1 to October 31 in a calendar year.
- (s) Vehicle shall mean a motor vehicle or trailer, as defined in the Vehicle and Traffic Law, equipped in accordance with this Article and Chapter 6 of Title 24 of Rules of the City of New York.
- (t) Volunteers shall mean persons who provide services free of charge to charitable organizations that operate mobile food vending units distributing food free of charge.

§89.05 Permits required.

- (a) *Mobile food vending units.* No person, including a charitable organization, shall operate a mobile food vending unit in any public, private or restricted space without a permit issued by the Commissioner and a decal issued and placed on the unit by the Department after inspection by the Department.
 - (1) No mobile food vending unit permit or decal shall be issued until the Department determines, upon inspection, that the unit is of sanitary construction and design, and

- equipped with sanitary facilities for mobile food vending in accordance with Chapter 6 of Title 24 of the Rules of the City of New York.
- (2) The permittee shall provide proof satisfactory to the Department that the mobile food vending unit is supplied and serviced at a mobile food commissary permitted by the Commissioner, or other facility approved by the Department in accordance with Chapter 6 of Title 24 of the Rules of the City of New York.
 - (3) Only a currently licensed mobile food vendor may apply for or hold a mobile food vending unit permit.
- (b) *Permit and decal.* After a mobile food vending unit passes a pre-permit inspection by the Department, as defined in Chapter 6 of Title 24 of the Rules of the City of New York, and a decal is affixed by the inspector conducting the inspection, the Commissioner shall issue a permit document to the permittee provided that the applicant has satisfied all other applicable requirements.
 - (c) *Material alterations prohibited.* A mobile food vending unit shall not be materially altered after it has been inspected by the Department and the Department has attached a permit decal. Any material alteration of a mobile food vending unit after it has been inspected by the Department shall automatically void the permit issued to that unit. When an employee of the Department determines that a unit has been materially altered, such employee shall remove the decal and seize the vendor's permit and the Department may revoke or suspend such permit in accordance with §89.33.
 - (d) *Ice cream trucks.* No decal shall be issued for any vehicle to be used to vend ice cream and other frozen desserts unless such vehicle is equipped with fully operational warning beepers and signage arms required by the State Vehicle and Traffic law and the rules promulgated thereunder.
 - (e) *Mobile food commissaries.* No person shall maintain or operate a mobile food commissary that services City mobile food vending units unless such commissary holds a current permit issued by the Commissioner, the Department of Agriculture and Markets, or the permit issuing official of a jurisdiction outside New York State in which the commissary is located.

§89.07 Licenses and badges.

- (a) *License required.* No person shall operate a mobile food vending unit in any public, private or restricted space without having first obtained a license issued by the Commissioner. A new or renewal license shall be issued when a complete application and all documentation required by this Code and other applicable law have been submitted, and the Commissioner has determined that the applicant is eligible to hold such license.
- (b) *Food protection course.* No mobile food vendor license shall be issued to any person unless such person submits proof satisfactory to the Department that he or she has successfully completed a food protection course in accordance with Article 81 of this Code.
- (c) *Charitable organization volunteers.* Volunteers for charitable organizations operating mobile food vending units that distribute food free of charge shall not be required to hold a mobile food vendor license, but shall be required to present proof prior to vending, of satisfactory completion of a food protection course approved by the Department.
- (d) *Documentation required.* No person shall operate any mobile food vending unit unless the badge issued to such person by the Department is conspicuously displayed on his or her outer clothing, and is carrying both the original food vendor license issued to such

person and the original mobile food vending unit permit documents. Such license and permit shall be exhibited upon demand to any police officer, Department employee or agent, or other authorized officer, employee or agent of the City. Until the permit document is received by the permittee, the operator of the mobile food vending unit shall have in his or her possession the original pre-permit inspection report of the Department, indicating that a permit has been approved for issuance to the permittee.

§89.09 Terms of permits and licenses.

- (a) *Two year terms.* Mobile food vending unit permits, and mobile food vendor licenses shall be valid for two years unless suspended or revoked by the Commissioner.
- (b) *Temporary permits.* Seasonal mobile food vending unit permits shall be issued annually for operation from April 1 through October 31 of each calendar year, unless suspended or revoked by the Commissioner.
- (c) *Commissary permits.* Mobile food commissary permits shall be valid for one year unless sooner suspended or revoked by the Commissioner.
- (d) *Restricted or private space permits.* Mobile food vending units operating exclusively in restricted or private spaces shall have the same term as the term of the written agreement between the permittee and the owner or lessee of the premises, but shall not exceed the terms specified in subdivision (a) or (b) of this section.

§89.11 Applications for permits and licenses.

- (a) *Fees.* All applications for a license or permit to vend in a public space shall be accompanied by payment of the fees prescribed in §17-308 of the Administrative Code, or successor law, or, if the mobile food vending unit will operate in a private or restricted space, the fee prescribed by Article 5 of this Code.
- (b) *Applications.* All applications shall be submitted in a form and contain all information and documentation required by the Department, and shall include, but not be limited to, the following information:
 - (1) The name, home and business address of the applicant;
 - (2) The name, home address and license number of every food vendor who will be authorized by the permittee to operate the mobile food vending unit;
 - (3) A description of the food to be vended and a description of the type of mobile food vending unit to be operated pursuant to the permit;
 - (4) At least one piece of current valid photo identification issued by a government agency of any jurisdiction;
 - (5) Proof that the applicant has obtained a certificate of authority to collect sales taxes pursuant to §1134 of the Tax Law, and has a tax clearance certificate from the State Tax Commission;
 - (6) If the applicant is a partnership, limited liability company or other business entity, the name, and address of each partner, member, officer or manager, as may be applicable, of such entity; if a corporation, the names and addresses of the corporation, the names, home and business addresses of the principal stockholders, officers, directors and shareholders;
 - (7) Proof that the applicant has obtained clearance from the Environmental Control Board showing the payment of all penalties and fines pursuant to Chapter 6 of Title 24 of the Rules of the City of New York; and

- (8) An application for a permit for a mobile food vending unit to operate in a private or restricted space shall include a copy of a written agreement with the owner of the private or restricted space indicating that the applicant has the right to operate in such space.
- (c) *Renewals.* An application for renewal of a license or permit shall be received by the Department, with the fee required by Article 5 of this Code or the Administrative Code, at least thirty days prior to the expiration date of the existing license or permit. Such application shall be accompanied by tax clearance certificates issued by the State Tax Commission and New York City Department of Finance, and proof that all penalties and fines for sustained or defaulted notices of violation issued to the mobile food vendor licensee or permittee for violations of Title 17 of the Administrative Code, the Health Code, the Sanitary Code, and Chapter 6 of Title 24 of the Rules of the City of New York have been paid in full in accordance with such chapter.
- (d) *Duplicates.* Applications for duplicate license and permit documents, decals and badges shall be accompanied by documentation acceptable to the Department demonstrating that the original documents, decals or badges have been lost, stolen, damaged or destroyed. Such documentation shall include, but not be limited to a sworn notarized statement by the applicant attesting to the circumstances of the loss, theft or damage of the document, decal or badge and, in cases of theft, a police report for the stolen document, decal or badge
- (e) *Representatives.* An application for a new or renewal license or permit that is prepared or submitted by an authorized representative of the applicant shall contain a sworn statement indicating that the representative provided the applicant with a complete application packet provided by the Department, including a copy of all laws and regulations applicable to vending, and that all applicable laws and regulations were explained to the applicant.
- (f) *Signed by applicant.* Applications for new, renewal or duplicate documents shall be signed by the applicant, and not by a representative.
- (g) *Affirmation.* Every applicant for a new or renewal or duplicate license or permit shall affirm or swear as to whether such applicant has or has not previously had a license or permit suspended or revoked by the Commissioner.

§89.13 Duties of licensees and permittees.

- (a) *Inspections.* Permittees and licensees shall permit inspections by the Department of any mobile food vending unit subject to this Article, and any premises in which food is stored, prepared, processed distributed or served. Permittees and licensees shall present mobile food vending units for inspection at such place and time as may be designated by the Department.
- (b) *Commissary used.* Permittees and licensees shall provide to the Department upon request the names and home and business addresses of the owners of the mobile food commissaries, or other approved facility from which the permittee or licensee receives her or his food and supplies, and the address at which the food supplies are stored, where his or her mobile food vending unit is serviced and where the unit is stored when not in operation.
- (c) *Documented food source.* Permittees and licensees shall have in their possession and make available for inspection documentation satisfactory to the Department identifying

the source of all foods being held, stored, offered for sale, sold or distributed free of charge from the mobile food vending unit.

- (d) *Authorized foods.* Permittees and licensees shall not use or allow others to use a mobile food vending unit to vend any foods other than those foods authorized in writing by the Commissioner to be vended by the permittee or licensee.
- (e) *Expired or suspended or revoked permits and licenses.* Permittees and licensees shall not operate a mobile food vending unit after expiration or revocation of a permit or license or during any period when a permit or license is suspended.
- (f) *Surrender of licenses and permits.* Licenses, permits, badges and decals shall be surrendered promptly to the Commissioner upon revocation, suspension, termination or expiration.
- (g) *Unlicensed vendors prohibited.* Permittees and licensees shall not allow a person who does not hold a currently valid mobile food vending license issued by the Commissioner to operate such permittees' or licensees' mobile food vending unit.
- (h) *Notice to the Department.* Permittees and licensees shall notify the Department within ten business days of any change in the information provided on an application for a license or a permit, including, but not limited to, the address and contact information for the licensee or permittee, and the names and license numbers of persons authorized to operate a permittee's mobile food vending unit. Failure to timely notify the Department of a change in address by a licensee or permittee shall result in the declaration of a default if the Department commences a proceeding for the licensee or vendor to show cause why the Commissioner should not revoke or suspend the license or permit and mails the petition and notice of hearing to the licensee's or permittee's last known address as maintained in Department records.
- (i) *Damaged and repaired mobile food vending units.* Any mobile food vending unit that has been damaged and repaired or materially altered, as defined in this Article, shall be re-inspected by the Department prior to its re-use as a mobile food vending unit. No decal shall be transferred from any mobile food vending unit to another mobile food vending unit, except by the Department. The Department may impose a reasonable fee to cover the costs of all such inspections.
- (j) *Restricted or private area permit limitations.* Any person who operates a mobile food vending unit with a private or restricted area permit in any area other than the area specified on the permit shall be deemed to be operating without a permit.
- (k) *Permittees liable for mobile food vending unit operation.* Permittees shall be jointly and severally liable for violations of this Code, and other applicable law, that occur in the course of operating mobile food vending units. A person operating a mobile food vending unit who is not the permittee shall be deemed an agent of the permittee, and the mobile food vending unit being operated by such person shall be deemed the place of business of the permittee, for the purpose of service of any Department notice of violation, order, or petition and notice of hearing issued to the permittee. A licensee served with any notice of violation, order, or petition and notice of hearing directed to the permittee shall deliver such notice of violation, order or petition to the permittee within two business days of delivery of such document to the licensee, and the Department shall mail such notice of violation, order, or petition and notice of hearing to the permittee by any method authorized in Article 3 of the Code.

§89.15 Prohibition against transfer of foods.

Except for charitable organizations, it shall be unlawful for any person to sell food or distribute food free of charge to any other mobile food vendor for resale or distribution if such vendor does not have a valid permit and license for mobile food vending.

§89.17 Prohibition against transfer of a license or permit.

- (a) *Transfers prohibited.* No person holding a permit for a mobile food vending unit or a license to operate a mobile food vending unit shall sell, lend, lease or in any manner transfer his or her license, permit, badge or decal, except in accordance with applicable law.
- (b) *Unauthorized transfer voids permit and license.* Any unauthorized transfer or attempt to transfer a license, permit, badge or decal shall automatically void such license, permit, badge and identification insignia.
- (c) *Notice to the Department.* The Department shall be notified in writing at least ten business days in advance of any transfer of a license or permit authorized by applicable law.

§89.19 Food protection and safety.

- (a) *Food sources.* Food shall be obtained from approved sources operating pursuant to licenses or permits issued by federal, state or local regulatory agencies. All potentially hazardous foods shall be cooked, processed, packaged, and labeled at a licensed mobile food commissary or other approved facility.
- (b) *Thermometers required.* Metal stem-type, numerically scaled, indicating thermometers, thermocouples, or thermistors, accurate to plus or minus two degrees Fahrenheit (one degree Celsius), shall be used to determine that required internal cooking, holding or refrigeration temperatures of all potentially hazardous foods are obtained and maintained in accordance with Article 81.
- (c) *Hot and cold holding.* Sufficient hot and cold storage facilities shall be provided and used to maintain potentially hazardous foods, as defined in Article 81 of this Code, at required temperatures.
- (d) *Ice.* Ice that is consumed or that touches food and food contact surfaces or utensils shall be made from potable water from approved sources in a manner that protects it from contamination. Ice shall be obtained only in chipped, crushed or cubed form and in single-use food grade plastic or wet-strength paper bags filled and sealed at the point of manufacture. Ice shall be held until dispensed, in the manufacturer's bags, in a manner that protects it from contamination.
- (e) *Cold storage on ice.* Packaged food may be stored in direct contact with ice or water if the food's packaging, wrapping, container or position in the ice prevents ice or water from direct contact with food or entering the package or container upon opening. Areas of packaging intended for use as eating or drinking surfaces shall not be in contact with ice or water at any time.
- (f) *Prohibitions on sale or service of specific foods.* The Commissioner may by rule prohibit the sale or service of specific potentially hazardous foods or types of foods by mobile food vending units.

- (1) **Meat.** All meat shall be processed and prepared for cooking at a mobile food commissary. No raw meat shall be sold, butchered, de-boned, dressed, or cut into portion size in or on a mobile food vending unit.
- (2) **Fish and other aquatic animals.** No raw fish, raw shellfish, or any other raw food products consisting of or made with an aquatic animal, as defined in Article 81, shall be held for service or sold from a mobile food vending unit. No raw fish, raw shellfish, or any other raw food products consisting of or made with an aquatic animal shall be cleaned, de-boned, dressed, scaled, eviscerated, or cut into portion sizes in or on a mobile food vending unit. Such food products may be cooked or reheated on a mobile food vending unit, provided that the food products have been commercially manufactured, or processed and prepared for cooking at a mobile food commissary or at another duly licensed and approved facility.
- (3) **Processed fruits and vegetables.** Mobile food vending units in which sliced, peeled or processed fruits and vegetables are prepared, stored, held for service or sold shall have adequate refrigeration at all times, and shall during a pre-permit inspection. Mobile food vending units only authorized to sell whole fresh pre-packaged fruits and vegetable may not sell or hold for service sliced, peeled or processed fruits and vegetables and as such refrigeration for such units is not required.
- (g) **Displayed foods.** Food placed on display on the mobile food vending unit shall be protected from contamination, in accordance with Article 81 of this Code. Foods, including but not limited to, pretzels and nuts, shall be displayed only in protective containers approved by the Department.
- (h) **Condiments.** Individual single-service containers, sealed by the manufacturer, shall be provided for condiments such as sugar, mustard, ketchup, salt, pepper and relish, unless dispensed directly by the food vendor from a shaker or container with a pump, made of a food grade material.
- (i) **Mobile food vendor hygiene.** At all times while operating a mobile food vending unit, persons shall maintain personal hygiene in accordance with Article 81, shall not smoke, shall be fully clothed (no sleeveless shirts or bare midriffs) in clean outer garments, and shall wash hands after using toilets.
- (j) **Contamination.** All foods on a mobile food vending unit shall be protected against contamination in accordance with Article 81 of this Code. Water in which food is boiled, heated, or otherwise processed shall not be used to heat containers of other foods.
- (k) **Toxic materials.** No poisonous or toxic materials, including, but not limited to, pesticides and cleaning compounds, shall be kept on or in a mobile food vending unit. In a vehicle used as a mobile food vending unit, vehicle maintenance materials shall not be stored in parts of the vehicle where food is stored, prepared or served.
- (l) **Servicing frequency.** All mobile food vending units shall be cleaned and serviced at least daily at a mobile food commissary or other facility approved by the Department.

§89.21 Water supply.

- (a) **Potable water.** All water, including City tap water, supplied to a mobile food vending unit shall be potable water and obtained from a supply complying with the requirements of Article 81 of this Code and the State Sanitary Code.
- (b) **Water storage tanks.** Water storage tanks, fill piping and distribution piping shall be constructed from food-grade materials; installed and maintained to protect water from

contamination; designed to be drained by gravity; and sanitized, emptied and rinsed daily with potable water before use.

§89.23 Equipment and hand wash sinks.

- (a) *Compliance with Article 81 and rules.* A mobile food vending unit shall be designed and equipped to hold, prepare, store and serve food in accordance with Chapter 6 of Title 24 of the Rules of the City of New York and Article 81 of this Code.
- (b) *Operations exclusively on the mobile food vending unit.* The sale, storage, holding, distribution, or display of food from boxes or from any place other than a mobile food vending unit is prohibited.
- (c) *Single-service articles.* Consumers shall be provided with single service articles, such as plastic forks and paper plates. Mobile food vendors shall not re-use single service articles and shall provide a container for their disposal. All waste containers shall be emptied and cleaned at the commissary servicing the mobile food vending unit, in accordance with §89.25 of this Article.
- (d) *Equipment placement.* Equipment shall be located and installed in a way that prevents food contamination and facilitates cleaning the unit, in accordance with Chapter 6 of Title 24 of the Rules of the City of New York.
- (e) *Unobstructed work areas.* Unobstructed working spaces are to be provided sufficient to permit persons operating a mobile food vending unit to perform their duties readily without contamination of food or food-contact surfaces by clothing or personal contact.
- (f) *Hand washing facilities required.* Hand wash sinks shall be provided in accordance with Chapter 6 of Title 24 of the Rules of the City of New York.

§89.25 Garbage, refuse and liquid wastes.

Garbage, refuse and other solid and liquid wastes shall be collected and stored at the mobile food vending unit while the unit is in use and removed from the unit and disposed of so as to prevent a nuisance.

- (a) *Collection and disposal.* Mobile food vending permittees and licensees shall collect garbage, refuse and other solid and liquid wastes at the vending site in a vermin-proof receptacle and remove and dispose of the receptacle at the mobile vending unit's commissary or other facility authorized by the Department. Solid and liquid waste shall not be discarded on public streets or sidewalks or in a public litter basket placed on the streets by the Department of Sanitation, or any other person or entity.
- (b) *Liquid wastes and sewage holding and disposal.* Sewage and liquid wastes shall be stored in a permanently installed holding tank that has at least 15 percent greater capacity than the water supply tank in a manner that protects the vending location, personnel and contents within the mobile food vending unit from contamination. All plumbing shall be constructed and maintained so as to prevent contamination of or contact with the potable water supply, food, equipment, utensils, food contact surfaces and non-food contact surfaces, employees and patrons. All sewage and liquid waste shall be disposed of at the mobile food commissary or a sewage disposal system constructed and operated in a manner acceptable to the Department.
- (c) *Debris and consumer litter.* The operator of a mobile food vending unit is responsible for and shall remove and clean solid and liquid wastes, debris and food spillage caused by

the operation of the unit and consumer littering adjacent to the mobile vending food vending unit.

- (d) *Enforcement.* In addition to authorized officers, employees and agents of the Department, authorized officers, employees and agents of the City Department of Sanitation, may order cleanup of wastes and issue summonses and notices of violations for violations of subdivisions (a) and (c) of this section.

§89.27 Mobile food commissaries.

- (a) *Compliance with applicable law.* A mobile food commissary shall be constructed, maintained and operated in accordance with this article, Article 81 of this Code, Subpart 14-2 of the State Sanitary Code or successor regulations, and Chapter 23 of Title 24 of the Rules of the City of New York, and shall not create or maintain a nuisance with respect to the health or safety of any consumer or the public because of the condition of the mobile food vending unit, its equipment, utensils, personnel, mode of operations, vending location, water supply, liquid and solid waste and sewage disposal, food and appurtenances.
- (b) *Records of food vending units to be maintained.* Mobile food commissaries and other facilities approved by the Department shall maintain a list of the mobile vending units serviced by such facilities and make the list available for inspection by the Department on request.
- (c) *Cleaning.* Such commissaries or facilities shall provide a cleaning area for cleaning and servicing mobile food vending units that shall be:
- (1) Large enough to accommodate the largest size mobile food vending unit utilizing the facility.
 - (2) Physically separated from all food operations to avoid contamination of food, equipment and food contact surfaces.
 - (3) Provided with potable water, plumbing fixtures and facilities for the drainage and disposal of liquid wastes and the storage of solid wastes in accordance with Article 81 of this Code.
- (d) *Street and sidewalk cleaning prohibited.* Mobile food vending units shall not be cleaned or serviced on public streets and sidewalks, including those adjacent to commissaries.
- (e) *Garbage and waste disposal.* Commissaries shall collect and remove garbage, refuse and liquid wastes in accordance with Article 81 of this Code and other applicable law.
- (f) *Enforcement.* In addition to authorized officers, employees and agents of the Department, authorized officers and employees of the Department of Sanitation, or successor agency, may issue notices of violation or orders to remediate any nuisances created by vendors in violation of this section.

§89.29 Imminent health hazards.

- (a) Cessation of operations of a mobile food vending unit for imminent health hazards. The Department may order any person operating a mobile food vending unit to immediately cease operations and serving food if the continued operation of the unit presents an imminent hazard to public health, as defined in Article 81 of this Code and Part 14 of the State Sanitary Code. Any person ordered to cease operations and service of food pursuant to this section shall comply with such order immediately.

- (b) Seizure of permit and license(s) authorized. When the Department determines that a vending unit is operating with imminent health hazards and has ordered the vendor to cease operation, the Department may seize the permit document, and the operator's license document and badge, and may apply a seal or sign to cover the mobile food vending unit's decal, or remove the decal, thereby suspending the license and/or permit.
- (c) Suspension of the vendor's license and permit. In the event a license or permit has been seized, the licensee or permittee shall, within 10 calendar days thereafter, be provided with a hearing as to why the cessation order should be rescinded and as to why the mobile food vendor's license and the permit for the unit should not be further suspended or revoked.
- (d) Restoration of the vendor's license or permit. If the Department determines within 10 calendar days after issuing the cessation order that the imminent hazard resulting in the order has been corrected, and that public health will not be adversely affected by the resumed operation of the vending unit, the Department may return or reissue any license and/or permit that it has seized pursuant to this section. The Department may condition such return on the licensee and/or permittee agreeing to take any steps necessary so that the hazard does not recur.
- (e) Operation prohibited until after hearing. Unless otherwise provided in this section, no person shall operate the unit until there has been a hearing at OATH followed by expeditious adoption by the Commissioner of the report and recommendation of an OATH administrative law judge, setting forth a finding that continued operation of the unit by or on behalf of the permittee does not present a continuing hazard to the public health. If the administrative law judge finds that continued operation of the mobile food vending unit by the permittee and the licensee presents a continuing hazard to the public health, the permittee and licensee may request that the Commissioner provide them with an opportunity to correct the violations and to demonstrate that they are willing and able to operate the mobile food vending unit in compliance with all applicable law. If such request is not received the Commissioner shall issue an order suspending or revoking the permittee's mobile food vending unit permit and license and the operator's mobile food vending license.
- (f) Service of cessation order. If the operator of the mobile food vending unit is not the permit holder, the order issued pursuant to this section shall be served upon the permittee by delivery to the person operating the mobile food vending unit, and by mailing the order to the permittee's address, as maintained in Department records, pursuant to §3.05 (b) of this Code.
- (g) Cessation signs not to be removed. Cessation signs or seals affixed by the Department shall not be removed except by order of the Commissioner or designee.

§89.31 Enforcement.

- (a) *Operation without permit.* Any mobile food vending unit being operated without a currently valid mobile food vending unit permit issued by the Commissioner shall be deemed an imminent health hazard and may be seized by the Department and all the food therein denatured or otherwise disposed of.
- (b) *Denial of license or permit.* The Commissioner may refuse to issue or renew, or may suspend or revoke a license or permit in accordance with provisions of this Code, or other applicable law.

- (c) *Unattended units prohibited.* No mobile food vending unit shall be parked on the street overnight, or left unattended at any time food is kept in the mobile food vending unit.
 - (1) Any mobile food vending unit which is found to be unattended or which a vendor has abandoned shall be considered an imminent health hazard subject to the provisions of §89.29 of this Article.
 - (2) Any cessation order issued for abandoning a mobile food vending unit or leaving such unit unattended shall, in the absence of the operator of such unit, be served by posting or affixing notice of such cessation order on such unit. Notice of the cessation order shall thereafter be mailed to the permittee's address, as maintained in the Department's records, pursuant to Article 3 of this Code.
- (d) *Authorized enforcement officers.* Public health sanitarians or other authorized officers of employees of the Department and other City departments or agencies having jurisdiction over matters applicable to the operations of mobile food vendors and mobile food vending units, including, but not limited to, officers of the Police Department, shall have the power to enforce all laws, rules and regulations relating to mobile food vendors and mobile food vending units, including the provisions of this Article. This Article shall not be construed as restricting in any way any other power granted by law to any officer or employee of the City. Any such officer or employee may seize any food or mobile food vending unit which does not have a permit or which is being used by an unlicensed mobile food vendor. Such mobile food vending unit and food shall be subject to forfeiture and disposal or sale in accordance with applicable law.
- (e) *Removal costs.* A mobile food vending unit and its contents that are seized pursuant to subdivision (d) of this section, or other applicable law may be removed to any garage, automobile pound or other place of safety, and the owner, or other person lawfully entitled to the possession of such vehicle or pushcart may be charged with reasonable costs for such removal and storage, payable prior to the release of the mobile food vending unit.

§89.33 Suspension and revocation of license or permit.

A license or permit issued pursuant to the provisions of this Article may be suspended or revoked by the Commissioner upon notice and hearing for any of the following causes:

- (a) Fraud, misrepresentation or false statements contained in the application for the license or permit;
- (b) Fraud, misrepresentation or false statements made in connection with the selling of any item of food;
- (c) Having been found in violation four or more times of the provisions of Subchapter 2 of Chapter 3 of Title 17 of the Administrative Code within a two-year period, or a violation of the provisions of Part 14 of Chapter 1 of the State Sanitary Code or of this Code, or of Chapter 6 of Title 24 of the Rules of the City of New York within a two-year period;
- (d) Failure to answer a summons or notice of violation, or failure to appear at a hearing for violation of Subchapter 2 of Chapter 3 of Title 17 of the Administrative Code, or of Chapter 6 of Title 24 of the Rules of the City of New York, or of this Code or the State Sanitary Code, or failure to pay a fine or penalty imposed by the Commissioner, Department or court for any such violation.
- (e) A license or permit that has been issued to a person who is not eligible pursuant to Subchapter 2 of Chapter 3 of Title 17 of the Administrative Code or this Code to hold

such license or permit shall be deemed automatically invalid, and issued in error. Notice of such determination shall be made by first class mail to the last known address of the licensee or permittee, as maintained in Department records, and shall be a final agency determination.

- (f) It shall not be a defense in any proceeding to revoke a license or permit that the licensee or permittee changed his or her address without providing notice to the Department.
- (g) *Notice; hearings.* Notice and hearing upon denial of an application, refusal to issue or renew, or where the Commissioner seeks to suspend or revoke a license or permit shall be provided in accordance with this Code, Chapter 7 of Title 24 of the Rules of the City of New York, and §17-317 of the Administrative Code.

§89.35 Modification.

The Commissioner may modify any requirements in this Article which present practical difficulties or unusual or unreasonable hardships in a specific instance consistent with the purpose and intent of this Article and this Code upon such conditions as are necessary to assure the service of safe food and to protect the public health.

**CHAPTER 6
MOBILE FOOD VENDING**

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§6-01 Scope and applicability.

All mobile food vendors and the mobile food vending units operated in the City of New York are subject to and must comply with all applicable provisions of Articles 5, 71, 81, 89 and all other applicable provisions of the New York City Health Code (the "Health Code"); Title 17 of the Administrative Code of the City of New York (the "Administrative Code"); Part 14 of the New York State Sanitary Code (the "Sanitary Code"); and the rules of the Department set forth in this Chapter and Chapters 20, 26 and other applicable provisions of Title 24 of the Rules of the City of New York.

§6-02 Definitions.

Words and terms used in this Chapter have the following meanings:

Acceptable to the Department means acceptable under conditions of use and being used in conformance with applicable regulatory, industrial or other safety standards.

Contaminated has the meaning set forth in Article 81 of the Health Code.

Detergent sanitizer means a solution used to wash and/or sanitize utensils and equipment.

Food has the meaning set forth in Article 71 of the Health Code.

Food grade material means material certified as meeting the standards of the National Sanitation Foundation (NSF) or other organization utilizing a process approved by the American National Standards Institute (ANSI), or that is otherwise acceptable to the Department in compliance with §81.17 of the Health Code or successor provision. During use with food products such material shall not react with such food products or food contact surfaces; and shall not contaminate or impart any odor, color or taste to such food products. No food additive, food equipment, lubricant or other similar substance used in food processing, preparation, storage or service shall expose food to physical debris, toxic chemicals, harmful substances or other contaminants. *Green cart* has the meaning set forth in §17-306(s) of the Administrative Code or successor provision.

Mobile food commissary or other facility approved by the Department means either

(i) A commissary that complies with the requirements of Articles 81 and §89.27 of the Health Code, or

(ii) Another facility providing storage and/or cleaning of no more than four Class D or Class E mobile food vending units, nor more than one food truck, in accordance with §6-08 of this Chapter.

Mobile food vending unit means a food service establishment as defined in Article 81 of the Health Code located in a pushcart or truck, self or otherwise propelled, used to store, prepare, display, serve or sell food, or distribute food free of charge to the public, for consumption in a place other than in or on the unit. Any such pushcart or food truck is deemed a mobile food vending unit whether operated indoors or outdoors, on public, private or restricted space. A mobile food vending unit does not mean a stand or a booth.

Potable water means drinking water that meets the drinking water requirements of subpart 5-1 of the State Sanitary Code and is thereby suitable for human consumption or use directly or indirectly in connection with the preparation of food for human consumption, including ice making and cleaning of utensils and equipment.

Potentially hazardous food has the meaning set forth in Article 81 of the Health Code.

Pre-permit inspection by the Department means the inspection of a mobile food vending unit in which the Department determines that the unit has been constructed and equipped in accordance with this Chapter. A pre-permit inspection by the Department is required:

(i) Before the issuance of a new or renewed mobile food vending permit and decal;

(ii) When a permittee seeks to replace a mobile food vending unit with another unit;

(iii) When a permittee seeks to amend a permit classification from non-processing to processing or processing to non-processing;

(iv) When a mobile food vending unit has sustained a material alteration, as defined in §89.03 (e) of the Health Code; or

(v) When any permit decal has been removed.

Processing means transforming food into the form in which it is to be served to the mobile food vending unit patron, including, but not limited to, by means of slicing, dicing, grating, portioning, blending, mixing, combining, cooking and reheating, or otherwise treating food in such a way as to create a risk that it may become adulterated if improperly handled. Portioning by butchering is not allowed; food may be processed on a mobile food vending unit only in accordance with Article 89 of the Health Code. A person who processes food on a mobile food vending unit is not a manufacturer, as that term is defined in Administrative Code §17-306 (p), or successor provision of law.

Sanitization means effective treatment by heat or chemical means that destroys pathogens on surfaces treated and is acceptable to the Department, as defined in § 81.03(ii) of the Health Code, or successor provision.

Ware washing or multi-compartment sink means a sink, other than a hand wash, dedicated to washing cookware, kitchenware and utensils.

§6-03 Mobile food vending unit classifications.

Mobile food vending units shall be classified based on the foods, processing and packaging of foods served. Class A and Class B units are processing units and Class C, Class D and Class E units are non-processing units for the purpose of payment of the permit fees set forth in §17-308 (c) of the Administrative Code, or successor provision, and Article 5 of the Health Code.

- (a) *Class A* mobile food vending unit means a processing unit on which raw, pre-cooked and/or manufactured potentially hazardous foods requiring temperature control as specified in Health Code §81.09 are stored, prepared and provided for individual service. Such foods include, but are not limited to, grilled or fried meats, sausages, poultry, shish kebab, hamburgers, eggs and gyros.
- (b) *Class B* mobile food vending unit means a processing unit in or on which pre-cooked and/or manufactured potentially hazardous foods requiring temperature control as specified in §81.09 of the Health Code are stored, prepared and provided for individual service. Such foods include, but are not limited to, sandwiches prepared on the unit, raw fruits, vegetables and salads, breads, bagels and rolls buttered or topped with cream cheese on the unit, smoothies and soft serve ice cream.
- (c) *Class C* mobile food vending unit means a non-processing unit in or on which only intact, prepackaged potentially hazardous foods requiring temperature control as specified in Health Code §81.09 are provided for individual service. Such foods include, but are not be limited to, prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and presliced fruits and vegetables.
- (d) *Class D* mobile food vending unit means a non-processing unit in or on which non-potentially hazardous packaged or unpackaged foods not requiring temperature control for safety are provided or served. Such foods include, but are not limited to, brewed coffee and tea, donuts, pastries, rolls and bagels buttered or topped with cream cheese at a commissary, popcorn, cotton candy, nuts, candied nuts, soft pretzels, and chestnuts, regardless of whether such foods are heated for aesthetic purposes. However, mobile food vending units that prepare and serve any potentially hazardous foods, including but not limited to, dairy products, pre-cooked or manufactured knishes, boiled frankfurters and sausages are Class D mobile food units that require equipment or other means of holding potentially hazardous foods at the temperatures required by Articles 81 and 89 of the Health Code.
- (e) *Class E* mobile food vending unit means a green cart or other non-processing mobile food vending unit in or on which only non-potentially hazardous uncut fruits and vegetables are sold or held for sale or service.
- (f) *Only food to be served or sold.* A permit to distribute or sell food from a mobile food vending unit does not authorize the sale of any other product or merchandise from such unit.

- (g) If a vendor serves or prepares foods included in more than one Class of operation, the unit must be equipped in accordance with the classification that reflects the greater degree of food protection.

§6-04 Mobile food vending units: pre-permit construction and equipment requirements for all classes of mobile food vending units.

Mobile food vending units must be constructed and equipped so that they may be maintained and operated in a clean and sanitary manner, in accordance with all applicable law, so as to protect foods from contamination by dust, dirt and toxic and other substances, and the public from risk of injury, and must be equipped in accordance with the requirements set forth in Table I in §6-05 of this Chapter. Units and equipment must be manufactured from easily cleanable, durable, hard, smooth, non-porous, non-absorbent, non-reactive and non-toxic materials. All equipment must be fastened securely to the mobile food vending unit. No mobile food vending unit or truck may be used as a dwelling, or for sleeping or other residential purposes for any period of time.

- (a) *Food contact surfaces.* Food contact surfaces, as defined in Health Code §81.03(p) or successor provision, shall be constructed of easily cleanable, non-toxic commercial food grade materials; kept free of cracks, chips, holes, pits and sharp edges; and maintained in a clean and sanitary condition. Upon request of the Department, a permittee shall provide proof acceptable to the Department that a material used in construction or equipping of a mobile food unit is certified as food grade.
 - (1) *Lubricants.* Equipment for processing foods that contain bearings and gears maintained and operated with non-food grade lubricants must be designed and constructed so that lubricants can not leak, drip, or contaminate food or food contact surfaces.
 - (2) *Cooking surfaces.* Cooking surfaces within a mobile food vending unit shall be placed and configured so as to minimize the risks of food contamination and injury to patrons, vendors, and the public.
- (b) *Non-food contact surfaces.* All non-food contact surfaces must be smooth, easily cleanable, maintained in good repair and kept clean. If solder is used in construction or repairs, it shall be made of non-toxic materials, corrosion resistant, and contain less than 0.2% lead.
 - (1) *Interior non-food contact surfaces.* Interiors of mobile food vending units, including floors, walls and ceilings of food trucks, and non-food contact surfaces of equipment that are exposed to food splash or debris, or that otherwise require frequent cleaning shall be designed and constructed of smooth, non-toxic and washable materials, free of unnecessary ledges, projections, or crevices, readily accessible for cleaning and sanitizing and maintained in a clean and sanitary condition.
 - (2) *Exterior non-food contact surfaces.* Exterior non-food contact surfaces shall be constructed of smooth, durable, non-porous, non-toxic materials, without any open seams and joints.
 - (3) *Permit decal to be visible and unobstructed.* No ornamentation, advertisement, menu, price list, other display, sign or printed matter may cover or obscure the permit decal. A six (6) inch space shall be left clear on all sides of the decal. The decal may be covered by a hinged, hard, transparent plastic or glass cover no thicker than one-sixteenth of an inch. The cover shall not be secured by a lock, but installed so that the decal may be directly accessible for examination and inspection at all times.

- (4) *Doors and windows.* In a food truck a partition or a partition with a self-closing door shall be installed between the driver's seat and the food processing and service area.
To protect foods from potential contamination in all units, no service window may be installed over or behind cooking or food preparation equipment.
- (c) *Lighting.* A mobile food vending unit shall be equipped with artificial lighting fixtures providing a minimum of 540 lux (50 foot candles) of light at all food contact surfaces and ware washing sinks whenever natural lighting conditions do not meet that standard. When artificial lighting is used, shatter-proof or shatter-guarded lighting shall be installed. Lighting fixtures located over or near food storage, preparation and service equipment shall be shielded to prevent broken glass from falling into food or onto food contact surfaces.
- (d) *Ventilation.* Cooking equipment shall be mechanically ventilated to prevent a nuisance from heat, smoke, odors or fumes. Mechanical ventilation hoods and equipment shall be installed and used to prevent grease, steam, smoke, and odors from collecting on interior surfaces, contaminating food and creating a nuisance. If filters and other grease extracting equipment are not designed to be cleaned in place, they must be readily removable for cleaning and replacement, and must be removed and cleaned to prevent accumulations of grease. Power generators shall be used and vented in accordance with manufacturers' specifications.
- (e) *Insect and rodent control.* Mobile food vending units shall be maintained so as to be free of insects, rodents, and conditions promoting harborage, as defined in Article 151 of the Health Code, and breeding of insects and rodents.
- (f) *Potable water supply.* Mobile food vending units that are required to maintain a potable water supply in accordance with Table 1 of §6-05 shall be equipped with plumbing and plumbing fixtures that provide adequate supplies of potable hot and cold water during all times of operation. Individuals operating mobile food vending units shall maintain sufficient supplies of potable water to allow for hand, ware and food washing and food preparation. Plumbing and fixtures shall be properly connected, vented and drained to prevent contamination of the City water supply or any other potable water supply. Water supply outlets and connections to water supply fixtures or equipment shall be designed and constructed to prevent back-flow into the water supply. Bottled and packaged potable water certified by the New York State Department of Health for sale in New York State may be used to supplement the potable water supply, if handled and stored in a way that protects it from contamination. If used, bottled and packaged potable water shall only be poured into tanks from the original containers. Failure to provide and maintain potable water supplies required by this Chapter is an imminent health hazard requiring immediate cessation of operation of any mobile food vending unit.
- (1) *Tank capacity.* When a potable water supply is required by Table 1 of §6-05 of this Chapter, a food truck shall be equipped with a tank or tanks with a total capacity of no less than 40 gallons; other mobile food vending units shall be equipped with a tank or tanks with a total capacity of no less than 10 gallons. All tanks shall be filled to capacity prior to beginning operation or operating, as defined in Health Code §89.03 (j). On and after January 1, 2018, all water tanks shall be equipped with a water level indicator visible from outside the tanks.
- (2) *Water tanks and inlet pipes.* Water tanks shall be constructed of food grade materials that are corrosion resistant, durable and non-absorbent. Water inlet pipes shall be

made of flexible, food-grade material. The fitting for hose connections shall be capped except when tanks are being filled.

- (g) *Plumbing.* Plumbing fixtures shall be constructed of food grade material; piping and distribution piping shall be installed and maintained to protect the water from contamination. All piping shall be easily accessible for inspection and repair.
 - (1) *Tank drainage.* Potable water tanks shall be fitted with a faucet or valve and tilted to allow complete drainage. The entire system shall be constructed to be drained by gravity or other means acceptable to the Department.
 - (A) Potable and waste water connections on a mobile food vending unit shall be designed and constructed so as to prevent backflow and/or cross-connection with the water supply.
 - (B) Equipment and fixtures used for storage, preparation, or processing of food that are drained into the waste water tanks shall be equipped with a readily accessible vented check valve on the waste line.
 - (C) No equipment may be directly attached to the potable water supply unless an approved backflow device is installed.
 - (2) *Pressure.* Potable water, when required by Table of §6-05 of this Chapter, shall be dispensed at sufficient pressure to provide a constant adequate flow.
 - (h) *Waste water system.* Waste water shall be stored and disposed of in accordance with §89.25 of the Health Code.
 - (1) Waste water storage tanks and pipes shall be designed and maintained so as not to leak or spill on sidewalks or public streets.
 - (2) When required by Table 1 of §6-05 of this Chapter, waste water tanks shall have a minimum capacity that is at least 15% greater than the potable water supply capacity and be clearly and permanently labeled “waste water.”
 - (3) Mobile food vending units creating liquid waste, including but not limited to units serving beverages such as coffee or tea or boiling frankfurters or holding melting ice, shall be equipped with a waste water tank with a minimum capacity that is at least 15% greater than the amount of water used for brewing coffee, processing food or for other liquid waste.
 - (4) Mechanically refrigerated equipment and containers where ice is used must be equipped with an indirect waste connection, in accordance with Health Code §81.20, that drains into the waste tank.
 - (i) *Hand washing, ware washing and food washing.*
 - (1) *Hand wash sink.* When required by Table 1 of §6-05 of this Chapter, mobile food vending units must be equipped with a separate hand wash sink or with one compartment of a multi-compartment sink that is used only for hand washing and no other purpose. The hand wash sink must:
 - (A) Be located in the food preparation area, accessible for immediate use at all times, at a convenient height, and not obstructed by or used to store supplies or other equipment;
 - (B) Dispense potable running water;
 - (C) Have a dispenser valve or faucet which provides a constant flow of water when opened;
 - (D) Be supplied by a potable water storage tank constructed of food grade material that holds at least five (5) gallons of water;
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- (E) Be equipped with supplies of soap and paper towels or other single-use hand drying device; and
 - (F) Be equipped with “Wash Hands” signs in accordance with Health Code §81.21 (c).
- (2) *Ware washing and sanitizing sink.*
- (A) All equipment and utensils must be cleaned and sanitized at least once daily at the mobile vending unit commissary in accordance with Health Code §89.19(1). When required by Table 1 of §6-05 of this Chapter, a sink with a swivel faucet must be provided to wash and sanitize utensils and equipment that have become contaminated while the unit is in operation before being re-used.
 - (B) Utensils being used to serve or dispense ready to eat foods may be stored in a container of water heated to and maintained at 135 degrees Fahrenheit (57 degrees Celsius) or higher. The container must be cleaned and sanitized at least once every 24 hours at the permittee’s commissary, and be large enough to allow immersion of the largest sized utensils.
 - (C) A sink used for ware washing and sanitizing may be used for washing foods, but may not be used for washing hands or as a slop or utility sink.
- (3) *Washing foods in a separate food washing sink or food grade container.* When required by Table 1 of §6-05, a separate dedicated sink, or a food grade container placed in a compartment of a ware washing sink may be used for washing food that requires washing while the unit is in operation.
- (A) The sink and the colander in which food is washed must not contain any other equipment or supplies when food is being washed, and must be cleaned and sanitized before and after washing any food.
 - (B) Any sink in which food is washed must be indirectly drained as defined in §81.03(z) of the Health Code or successor provision.
- (4) No sink used for washing hands, wares or food may be used as a slop or utility sink.
- (l) *Hot and cold storage.* When required by Table 1 of §6-05 of this Chapter, mechanical or other holding equipment shall be provided and used to hold potentially hazardous hot foods at or above 140 degrees Fahrenheit (60 degrees Celsius) and cold foods at or below 41 degrees Fahrenheit (five degrees Celsius).
- (1) *Thermometers.* Each hot and cold storage unit shall be equipped with a numerically scaled or other indicating thermometer, accurate to plus or minus two degrees Fahrenheit (one degree Celsius).
 - (2) *Placement of thermometers.* Thermometers in cold holding equipment shall be placed in such equipment or cold holding containers to measure air temperature in the warmest part of the unit. Thermometers used to measure the temperature of food in hot holding equipment shall be placed so that they measure the temperature in the coolest part of such equipment.
- (m) *Compliance with fire safety requirements.* In addition to the other requirements of this section, all mobile food vending units and commissaries shall comply with the New York City Fire Code (Title 29 of the Administrative Code) and rules of the Fire Department found in Chapter 38 of Title 3 of the Rules of the City of New York, or successor provisions, regulating the use of any flammable gas, and governing the storage, handling and use of propane and other liquefied petroleum gases (“LPG”). As set forth in Chapter 38 of the Fire Code and Chapter 38 of the Fire Department rules, such provisions prohibit

the use of any flammable gas other than LPG for cooking and heating on a mobile food vending unit. The provisions also prohibit the placement of any unit with propane or other LPGs on a subway grate, and among other things regulate:

- (1) Design of the cooking grills and other heating equipment;
 - (2) Size, number, location and securing of the LPG containers;
 - (3) Securing of container valves; and
 - (4) Size, type, location and mounting of required portable fire extinguishers.
- (n) *Ice cream trucks.* No decal may be issued for any food truck to be used to vend ice cream and other frozen desserts unless such truck is equipped with fully operational warning beepers and signage arm as required by the State Vehicle and Traffic law and the rules promulgated under such law.
- (o) *Overhead structure.* Every mobile food vending unit shall be equipped or constructed with an overhead structure such as an overhang, roof, canopy, umbrella or similar device adequate to protect food and equipment from contamination.
- (p) *Food security.* All mobile food vending units shall be equipped with appropriate food grade coverings, tamper-proof locks or other mechanisms. Vendors shall secure such units when it is necessary to leave mobile food vending units unattended on a street for no more than one-half hour. Units left unattended for periods longer than one-half hour shall be deemed abandoned and an imminent health hazard, in accordance with Health Code §89.31(c).

§6-05 Mobile food vending units: supplies and equipment required for different classes of mobile food vending units.

- (a) In addition to the general requirements for construction and design of mobile food vending units and their equipment in §6-04 of this Chapter, each class of vending units shall be supplied and equipped in accordance with Table I of this section. The minimum equipment required is determined by the class of the unit and the foods that are processed and/or sold on the unit.
- (b) *Permit subject to revocation; mobile food vending units subject to seizure.* Persons who prepare, process or serve foods from a mobile food vending unit that is not equipped in accordance with the requirements specified for the unit's permit classification as set forth in this section will be deemed to be vending without a permit. Such units and their contents are subject to seizure, removal of the permit decal or insignia, and any other sanctions prescribed by applicable law, including but not limited to, provisions of Article 89 of the Health Code.

Supply and Equipment Requirements for Mobile Food Vending Units

Type of Food Sold and Cooking Method	Permit Class	Potable water	Food and ware washing sinks	Hand wash sink	Waste water tank	Overhead structure	Ventilation	Cold holding	Hot holding	Thermo-meters
Potentially hazardous raw foods cooked on unit; e.g., fried and grilled sausages, poultry, shish kebab, hamburgers, eggs and gyros	A	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Potentially hazardous prepared foods combined on the unit; e.g., sandwiches raw fruits, vegetables and salads, breads, bagels and rolls buttered or topped with cream cheese on the unit, smoothies and soft-serve ice cream	B	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Potentially hazardous prepackaged foods; e.g., prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and pre-sliced fruits and vegetables	C	No	No	No	Yes ³	Yes	No	Yes	Yes	Yes
Non-potentially hazardous unpackaged or packaged foods; e.g., boiled frankfurters and sausages, brewed coffee and tea, donuts, pastries, rolls and bagels buttered or topped with cream cheese at a commissary, popcorn, cotton candy, nuts, candied nuts, soft pretzels, chestnuts	D	Yes ²	No	No	Yes ³	Yes	Yes	Yes ³	Yes ³	Yes ³
Non-potentially hazardous uncut fruit and vegetables (including Green Carts)	E	No	No	No	No	Yes	No	No	No	No

Notes

1. Food and ware washing sinks may be separate or multi-compartment. A single sink is acceptable for food and ware washing if food is washed in a food-grade colander.
2. Waste water tanks are required when generating liquid waste from brewing coffee or tea, boiling frankfurters, or serving or using ice.
3. Hot and cold holding equipment or methods are required for potentially hazardous foods such as hot dogs, sausages or knishes.

§6-06 Size and placement of mobile food vending units.

- (a) *Non-truck units.* No new permit shall be issued after October 31, 2013 for any mobile food vending unit pushcart that exceeds ten (10) feet in length and five (5) feet in width, including wheels, axles and other appurtenances to such wheels. When vending on a sidewalk, the operator must place the unit so that the longer side is adjacent and parallel to the curb abutting the sidewalk.
 - (1) Current permits for units that exceed the size restrictions, and that expire on or before October 31, 2013, shall be renewed only once. Subsequent renewal permits shall be approved only for units that comply with these size restrictions.
 - (2) Current permits that expire on or after November 1, 2013 shall be approved for renewal only for units that comply with these size restrictions.
- (b) *Food trucks.* These size restrictions do not apply to food trucks.

§6-07 Green carts.

- (a) The Department will permanently affix on two sides of each green cart, as that term is defined in §17-306 (s) of the Administrative Code, either identical permit plates or identical permit decals that are easily identifiable and distinguishable from all other plates or decals on the green cart. Such plates or decals shall contain the fresh fruits and vegetables permit number issued to the owner of each such green cart and the borough and police precincts in which the green cart is authorized to operate. Permit decals may not be removed or transferred to any other mobile food vending unit.
- (b) At the time an initial green cart permit is issued, the Department will provide a distinctive and readily recognizable “green cart” umbrella to each green cart permittee. The umbrella must be safely secured to the green cart and maintained in good condition and repair at all times by the permit holder, and must be displayed in an open position above the green cart whenever the green cart is being used to vend. For any replacement umbrella, the green cart permittee must pay a fee of fifty dollars (\$50.00) reimbursing the Department for the cost of the umbrella. In addition to the above requirements specific to green carts, green carts must comply with all other applicable requirements pertaining to Class E mobile food vending units.
- (c) *Exemption of police precincts where green carts may vend.* Notwithstanding any provision in §17-307(b)(4)(b) of the Administrative Code, no fresh fruits and vegetables permit may be designated for use within either the 45th or 72nd police precincts of the City of New York.

§6-08 Facilities for servicing Class D and Class E mobile food vending units.

- (a) Use of a facility that services four or fewer Class D and/or Class E mobile food vending units that are not food trucks, or one Class D or Class E food truck, may be approved by the Department at or prior to the pre-permit inspection of such Class D and/or Class E units.
- (b) A person holding a permit for a Class D or Class E mobile food vending unit who requests approval from the Department for use of a facility other than a commissary shall identify the location of such facility, and provide the Department with the individual or business name, address, telephone number(s), and e-mail contact information, if available, for the owner of the facility. The owner of the facility, or the permittee, if the

permittee is the owner of the property where the facility is located, shall certify to the Department that the facility complies with all of the following conditions:

- (1) The facility is not used to store or discard food.
- (2) The facility is constructed of materials whose surfaces are easily cleanable, non-toxic, non-absorbent and smooth and designed to protect the mobile food vending unit at all times from environmental contamination.
- (3) The facility is adequately lighted; equipped with potable hot and cold running water and drainage for liquid wastes; provides adequate space and facilities for cleaning and storing the unit; and is located entirely on private property.
- (4) The facility has all required permits other than a commissary permit and its use complies with all applicable fire safety, zoning and building laws. At the request of the Department, the user shall provide copies of any required permits.
- (5) No more than four Class D and/or Class E mobile food vending units are serviced at the facility.
- (6) Any mobile food vending units stored in the facility and the facility must be kept in a sanitary condition.
- (7) No units may be cleaned on public streets or sidewalks.
- (8) No live animals shall be kept or allowed within any storage or cleaning facility.
- (9) Garbage, refuse and other solid and liquid wastes shall be collected and stored at the mobile food vending unit while the unit is in use, and removed from the unit and disposed of at a commissary or other approved facility so as not to create a nuisance in accordance with Health Code §89.25.

§6-09 Manufacturer or exclusive distributor lease agreements.

- (a) "Lease" or "Lease agreement" submitted for Department approval pursuant to Administrative Code §17-314.1(d)(2), as used in this section, means a written agreement between an exclusive distributor or a manufacturer (lessor) holding more than one temporary mobile food unit permit and a mobile food vendor licensee (lessee). The agreement is for the transfer, for a stated period of time and for a fixed amount as set forth in such written agreement, the possession of a mobile food unit owned by such exclusive distributor or manufacturer with such exclusive distributor's or manufacturer's temporary mobile food unit permit attached to the mobile food unit.
- (b) All lease agreements involving the leasing of multiple temporary mobile food unit pushcarts and food trucks by manufacturers and exclusive distributors and licensed mobile food vendors that are submitted to the Department for review and approval pursuant to §17-314.1(d)(2) of the Administrative Code must contain a rider to such lease agreements, in a form provided or approved by the Department, that is dated and signed by both parties. The department will maintain copies of an approved lease agreement form on its website and make copies available to any person on request.
- (c) The provisions of §17-314.1(d)(2) of the Administrative Code and this section apply to only the manufacturers and exclusive distributors of food products who held multiple temporary or seasonal permits prior to 1995, were authorized to renew up to 60 of those multiple temporary permits, and were exempted from application of Administrative Code §17-307(b)(2)(f), that provides that a person (an individual or any other entity) may renew or obtain only one permit.

§6-10 Violations.

- (a) *“A” violations defined.* For the purposes of mobile vending permit or license renewal, or issuance of a new license or permit, “A” violations are all violations of the Health Code, the State Sanitary Code, these rules and the violations of the Administrative Code listed in subdivision (d) of this section where the licensee, permittee or applicant is found in violation as a result of a hearing on the merits or by default.
- (b) *“A” violation penalties to be paid.* Every person renewing a mobile food vending license or a mobile food unit permit, or applying for a new mobile food vending license or mobile food unit permit shall pay all fines and penalties for all “A” violations as defined by subdivision (b) of this section that have been adjudicated, or for which the licensee, permittee or applicant for a license or permit has been found in default. Proof of payment of all such fines and penalties must be submitted prior to issuance of a new or renewal license or permit, notwithstanding the provisions of New York City Charter §1049-a (d)(1)(i).
- (c) *Basis for revocation, suspension, or denial of new or renewal permit or license.* The Commissioner may refuse to issue a mobile food vending license or a mobile food unit permit and may, after due notice and an opportunity to be heard, in addition to any other penalties, refuse to renew, suspend or revoke such a license or permit. Such action may be taken when the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees (i) have been found to be in violation of four or more of the provisions of subchapter 2 of chapter 3 of title 17 of the Administrative Code that are classified as “A” violations in subdivision (d) of this section within a two-year period, (ii) have been found to be in violation of any of the provisions of part fourteen of the State Sanitary Code or of the Health Code, or (iii) the applicant, licensee, permittee, its officers, directors, shareholders, members, managers or employees have pending any unanswered summonses for a violation of a provision of subchapter 2 of chapter 3 of title 17 of the Administrative Code that is classified as an “A” violation in subdivision (d) of this section.
- (d) *Administrative Code “A” violations.* For the purposes of revocation or suspension of mobile food vending permits or licenses, or of determining whether such permits or licenses may be renewed or new licenses and permits issued, “A” violations mean violations of the following provisions of subchapter 2 (“Food Vendors”) of chapter 3 (“Licenses and Permits”) of title 17 of the Administrative Code or successor provisions , as listed below in §6-10 Table 1, where the licensee, permittee or applicant is found in violation as a result of a hearing on the merits or by default:

§6-10 Table 1. Administrative Code “A” Violations

Section	Description
§17-307(a)	Unlicensed mobile food vendor.
§17-307(b)	Unpermitted mobile food unit.

- §17-307(d) Vending unapproved items.
- §17-311 Failure to display mobile food vending license, mobile food vending unit permit, or mobile food vending unit decal, plate or insignia.
- §17-314(a) Failure to permit regular inspections.
- §17-314(b) Failure to give supplier/depot/commissary information.
- §17-314(c) Sale of unauthorized foods without written approval.
- §17-314.1 Sale, loan, lease or transfer of license, permit or decal, plate or insignia.
- §17-315(a) Vendor on sidewalk that allows less than 12 feet as pedestrian path; or unit not at, or abutting curb.
- §17-315(e) Vendor within bus stop, within 10 feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.

(e) *Permittees liable for mobile food vending unit operation; service of notices of violation.* In accordance with Health Code §§5.13 and 89.13, permittees are jointly and severally liable for violations of the Health Code, the State Sanitary Code, the Administrative Code and any other applicable law that occur in the course of operation of mobile food vending units bearing their permits. A person operating a mobile food vending unit who is not the permittee shall be deemed an agent of the permittee, and the mobile food vending unit being operated by such person shall be deemed the place of business of the permittee, for the purpose of service of any notice of violation issued to the permittee by the Department. The notice of violation may also be issued by any other agency of the City authorized to issue notices of violation in the course of enforcement of any law applicable to mobile food vending. If, in the course of operation of a mobile food vending unit, a person other than the permittee is served with such notice of violation or order issued to the permittee, the person other than the permittee shall deliver the notice of violation or order to the permittee within two business days of receiving such notice of violation, and the Department or other agency issuing the notice of violation shall mail such notice of violation to the permittee by first class mail, maintaining and submitting a record of the mailing to the Environmental Control Board as proof of service.

§6-11 Inspections; permit issuance and renewal.

No unit shall be approved for use unless such unit has passed a pre-permit inspection by the Department and found to be constructed and equipped in compliance with this Chapter and Article 81 and Article 89 of the Health Code.

- (a) *Renewal applications to be submitted timely.* An application for renewal of any permit shall not be accepted unless the applicant submits a complete renewal application, the tax clearance certificates required by §17-310 of the Administrative Code, and proof of payment of all fines and penalties owing for notices of violation as required by §17-317(b) and §6-10 of this Chapter, no later than thirty (30) days before the date of

expiration of the permit. The Department may accept a late renewal application only if the applicant submits proof that may be verified by the Department that the delay in submission of the completed application and clearances resulted because of delays in issuing the clearances. In such cases, the permittee must show that applications for tax and penalty clearances were submitted at least sixty (60) days before the date of renewal of the permit.

- (b) *Inspections to be scheduled timely.* In accordance with §17-307(e) of the Administrative Code, a new or renewal permit shall not be issued if the applicant's mobile food vending unit fails to pass a pre-permit inspection by the Department within six (6) months after the permit application has been certified or accepted by the Department. The Department may conduct such an inspection more than six (6) months after the application has been submitted only if Department records indicate that the Department caused the delay in scheduling the inspection.
- (c) *Permit holder photographs.* All individual applicants for a new or renewed permit, and persons who require a replacement or substitute permit or decal for a mobile food vending unit, shall personally appear at a location designated by the Department so that a current identifying photograph may be taken.
- (d) *Pre permit inspections and reinspections.* Permit applicants or permittees must bring the mobile food vending unit in for inspection, at a place designated by the Department, and present (i) a currently valid mobile food vendor's license, and (ii) another government issued photo identification acceptable to the Department in the following circumstances:
 - (1) Before the issuance of a new or renewed mobile food vending permit and decal;
 - (2) When a permittee seeks to replace a mobile food vending unit with another unit;
 - (3) When a permittee seeks to amend a permit classification from non-processing to processing or processing to non-processing;
 - (4) When a mobile food vending unit has sustained a material alteration, as defined in §89.03 (e) of the Health Code; or
 - (5) When any permit decal has been removed.
- (e) *Applicants other than natural persons.* If an entity other than a natural person is an applicant or permittee, such as a corporation or limited liability company, the person who brings a mobile food vending unit in for inspection on behalf of such entity must be a person authorized by law to accept service of process on behalf of such entity pursuant to Article 3 of the New York CPLR. Such persons may include an officer, director or managing agent of a corporation; a partner of a partnership or limited partnership; or a member of a limited liability company. No other person may bring any mobile food vending unit to the Department for the non-operational inspections required by this section.
- (f) *Identifying operators of mobile food vending units.* The applicant for a new or renewal permit must (1) complete a form provided by the Department listing the name(s), address(es), telephone number(s) and the currently valid mobile food vending unit license number(s) of each person who will be operating the mobile food vending unit, and (2) provide a statement describing the legal relationship of such person to the permit holder, in accordance with §17-309(b)(1) of the Administrative Code. The completed form shall be signed and notarized by the permit applicant.
- (g) *Service contract or agreement from a commissary or other approved facility.* At the pre-permit inspection, the permittee or permit applicant must provide an original agreement

or contract signed by a commissary operator, or a person in charge of a facility other than a commissary that provides services to no more than four Class D or Class E units that are not food trucks, or one Class D or Class E food truck, indicating the specific goods and services provided for the permittee's mobile food vending unit. The permittee must maintain a copy of such agreement on the mobile food vending unit at all times of operation and make it available for inspection by the Department. Such goods and services must include, but are not be limited to:

- (1) Storage of the unit and foods.
 - (2) Cleaning and sanitizing of the unit, equipment and utensils.
 - (3) Disposing of liquid and solid waste and refuse generated by operation of a unit.
 - (4) Amount of potable water supplied.
 - (5) Foods provided, including those prepared at the commissary and prepackaged; and name of person preparing foods.
 - (6) Non-food supplies provided by the commissary.
- (h) *Reinspection of damaged, repaired or materially altered mobile food vending units.* Any mobile food vending unit that has been damaged and repaired, or materially altered so as to change or result in a change in the size of the unit, or has undergone replacement of any part of the body structure or equipment of the unit shall be brought to the Department for reinspection prior to reuse or continued use of the unit. Repair or replacement of a tire or an axle, and straightening a dent in a panel are not considered material alterations.
- (i) *Decals.* No decal may be placed on any mobile food vending unit unless a Department inspector has determined at a pre-permit inspection that the unit is constructed and equipped in accordance with this Chapter, and that the person renewing or applying for a permit has completed and submitted all forms required by this section.
- (j) *Units to be photographed.* The Department may take photographs of mobile food units at any time, so that the Department may verify that the unit has passed a pre-permit inspection.
- (k) *Notification of changes in operations.* Permittees must notify the Department, in writing, on forms approved or provided by the Department, no later than ten business days after any there has been a change in:
- (1) Persons operating each unit as indicated on the form described in Section 6-12(c) of these Rules, or
 - (2) Commissary used. Permittees must provide a copy of an agreement from the new commissary with such notice.
- (l) *Enforcement.* A new or renewal decal and permit may be denied for:
- (1) Failing to allow photographs of the permittee or the unit.
 - (2) Failing to appear in person for pre-permit inspections of a mobile food vending unit.
 - (3) Failing to provide information about the operators of the units or foods sold on the unit, or
 - (4) Failing to maintain and submit an agreement with a commissary.

§6-12 Records of commissaries and other approved facilities.

Commissaries and other approved facilities providing services to four or fewer Class D or Class E units that are not food trucks, or one Class D or Class E food truck, shall keep records in a daily log, in a form provided or approved by the Department, documenting the daily use of commissary services and facilities by mobile food vendors in accordance with §89.27 (b) of the

Health Code. The log must indicate the date and time of day each unit is brought in and leaves the commissary.

§6-13 Disabled veterans mobile food unit vending permits.

Disabled veterans who hold currently valid (i) specialized vendor licenses issued pursuant to General Business Law §35-a, (ii) general vendor licenses issued by the Department of Consumer Affairs and (iii) mobile food vending licenses issued by the Commissioner, may apply for and be issued permits to operate mobile food vending units on sidewalks surrounding parks within the jurisdiction of the New York City Department of Parks and Recreation, or successor City agency, in accordance with the following conditions:

- (a) An applicant for such a restricted area permit may not hold any other currently valid mobile food vending unit permit, and only one such permit may be issued to any applicant.
- (b) In accordance with General Business Law §35-a, such permit authorizes vending only on sidewalks surrounding park lands.
- (c) Operation of the mobile vending unit is subject to all provisions of General Business Law §35-a.
- (d) During all times that a mobile food vending unit issued a permit under this section is in operation, as the term “operation” is defined in Health Code §89.03 (j) or successor provision, a disabled veteran shall be present, but may be assisted by an employee who is a licensed mobile food vendor. Department inspection reports which note the absence of a disabled veteran licensee are deemed proof that a disabled veteran is not operating the unit, in violation of General Business Law §35-a.

§6-14 Government agency and charitable organization exemptions.

In accordance with §17-320 (a) of the Administrative Code, the Commissioner may exempt any area within the control of a government agency or charitable organization from provisions of Title 17 of the Administrative Code that limit the total number of full-term or temporary mobile food vending permits that may be issued, or the number of permits that may be issued to any one person. The Commissioner may make this exemption provided that (i) the request for issuance is made in writing by the agency or organization and (ii) permittees comply with all other applicable provisions, limitations and conditions imposed by the New York City Administrative Code, the Health Code, the State Sanitary Code and these rules.

§6-15 Modification.

When the strict applicability of any provision of this Chapter presents practical difficulties or unusual or unreasonable hardships, the Department, in a specific instance, may modify the application of such provision consistent with the general purpose of this Chapter and upon such conditions as are deemed necessary.

**MOBILE FOOD VENDING: PARTIAL LIST OF NYC HEALTH CODE AND RULES
"A" VIOLATIONS**

Note: all Health Code and Chapter 6 rules violations are "A" violations

<u>Health Code Rule Section</u>	<u>Description</u>
Health Code §81.07(a)	Food not free of or protected against contamination
Health Code §81.09	Potentially hazardous foods at improper temperatures
Health Code §81.13(a)	Food worker with communicable disease
Health Code §81.15(a)	Failure to have required Food Protection Certificate
Health Code §81.07(l)	Foods prepared or served with bare-hand contact
Health Code §81.21(a)	Plumbing inadequate
Health Code §81.37(k)	Garbage and trash improperly stored
Health Code §81.27	Smoking, use of tobacco, or spitting
Health Code §81.29(c)	Handwashing facilities not provided
Health Code §81.37(a)	Cart, utensils, equipment unclean
Health Code §113.03(c)(2) or §113.07	Vending frozen desserts without appropriate permit(s)
Health Code §81.07(i)	Food from unapproved source
Health Code §81.09(i)	Appropriately scaled metal stem thermometer to evaluate food temps., not provided
Health Code §81.13(b)	Food worker not wearing hair restraint
Health Code §81.19(b)	Shatter proof or shielded light bulb not provided when required
Health Code §81.19(c)	Inadequate ventilation
Health Code §81.23(a)	Vermin, insects or other pests present
Health Code §81.31	Equipment not clean; improperly maintained
Health Code §81.37(a)	Wiping cloth used on food contact surfaces not stored in sanitizing solution
Health Code §89.03(a)	Operating a mobile food unit without a permit on private property
Health Code §89.03(b)	Unlicensed Vendors on private property
24 RCNY §6-01(l)	Non-processing unit being operated without proper food processing permit

Admin.
Code Section

Description

§17-307(a)	Unlicensed mobile food vendor
§17-307(b)	Unpermitted mobile food unit
§17-307(d)	Vending of unapproved items
§17-311	Failure to display mobile food vending license; mobile food unit permit and/or mobile food unit decal, plate or insignia
§17-314(a)	Failure to permit regular inspections
§17-314(b)	Failure to give supplier/depot/commissary information
§17-314(c)	Sale of unauthorized foods without written approval
§17-314.1	Sale, loan, lease or transfer of license, permit or decal, plate or insignia
§17-315(a)	Vendor on sidewalk allows less than 12 feet as pedestrian path; or cart not at, or abutting curb
§17-315(e)	In bus stop, or less than 10 ft. from drive, subway, crosswalk, etc.
